

HOUSE OF COMMONS

POLITICAL AND CONSTITUTIONAL REFORM COMMITTEE

THE GOVERNMENT'S VOTING AND PARLIAMENTARY REFORM PROPOSALS:  
PARLIAMENTARY VOTING SYSTEM AND CONSTITUENCIES BILL

TUESDAY 14 SEPTEMBER 2010

LISA KLEIN, ANDREW SCALLAN, PETER WARDLE and JENNY WATSON

Evidence heard in Public

Questions 72 - 167

Oral Evidence

Taken before the Political and Constitutional Reform Committee

on Tuesday 14 September 2010

Members present:

Mr Graham Allen (Chair)

Nick Boles

Mr Christopher Chope

Sheila Gilmore

Simon Hart

Mrs Eleanor Laing

Catherine McKinnell

Sir Peter Soulsby

Mr Andrew Turner

**Examination of Witnesses**

*Witnesses:* **Lisa Klein**, Director of Party and Election Finance, Electoral Commission, **Andrew Scallan**, Director of Electoral Administration, Electoral Commission, **Peter Wardle**, Chief Executive, Electoral Commission, and **Jenny Watson**, Chair, Electoral Commission, gave evidence.

**Q72 Chair:** Good morning. Thank you for coming. We look forward to hearing what you have to tell us about the matters before us. We are labouring under the difficulty of having to move extremely quickly. We have made this point over and over again on the Floor of the House. We are delighted that we have you this morning for a couple of hours. Would it be helpful, Ms Watson, if we gave you the floor and let you just make some preliminary remarks and then colleagues can jump in and ask questions?

**Jenny Watson:** That would be very helpful.

**Q73 Chair:** Fire away. Perhaps you can just introduce your team first.

**Jenny Watson:** May I start by thanking you for the opportunity to come and talk to the Committee? Alongside me we have Peter Wardle, the Electoral Commission's Chief Executive, Andrew Scallan, who is Director of Electoral Administration and Lisa Klein who is Director of Party and Election Finance. As you know, the Commission is the body that is charged with conducting referendums held under the framework established in the Political Parties, Elections and Referendums Act 2000, but it is for Parliament to decide whether there is a referendum and it is for voters to decide the result. We have developed a set of key principles that should inform the way in which referendums are run. You have that in our written evidence.

It is likely that we will talk specifically today about the Bill before the House which is on a referendum on the voting system. It is particularly important that everyone participating in and commenting on the referendum understands that the Commission has no view, nor ever has had any view on the proposed change to the parliamentary voting system, and nor do we comment on other constitutional issues such as the length of a Parliament or the boundaries on which parliamentary constituencies are based. I say that because there are things that you may ask us about today which we may not be able to comment on. I hope that you will understand when I make that clear.

Our powers and responsibilities relating to referendums are set out in our written evidence and we have published our approach to all of this over the last year to make the referendum process more transparent. I thought it might be useful to confirm now that I will be the Chief Counting Officer responsible for the conduct of the referendum and ensuring the accuracy of the overall result. I will work with a network of Regional Counting Officers. There will also be a Counting Officer in each local authority within the referendum area and in addition I intend to appoint a Deputy Chief Counting Officer from within my board as soon as the legislation allows me to do so.

Just a short word on our preparations to conclude this statement and before we take any questions: we are working closely with the Government to identify and mitigate any risks that might prevent the smooth running of the referendum, and you will see from our submission that we have identified issues that need to be addressed in the legislation, particularly provisions to combine the referendum poll with the polls for elections which are scheduled to be held on 5 May next year. While at this stage we are confident that these issues can be resolved, we will not hesitate to tell the Government and Parliament if we believe that they have not been adequately addressed as the Bill progresses. At this stage, if I were to characterise our position, it would be say that we are as ready as we can be but that the timetable is tight. We won't be able to give the green light until we are confident that the Bill has been changed to make sure that everyone who goes to the poll on 5 May can cast their vote safely and easily whether it is at an election, at a referendum, or both. I am in your hands for questions.

**Q74 Chair:** Thank you very much. I have one perhaps curious question. Just looking at the background of your colleagues, who are all very technically and legally capable, is it part of your

mission to excite people about what is coming next May and in a broader sense about elections and democracy, or is it to take purely a functional view-almost a quasi-civil service view-of how elections are run?

**Jenny Watson:** Our role is as a regulator. Parliament set up that role very clearly. Indeed, it has made changes to our remit around the promotion of public participation to make us more clearly focused as a regulator. If you were to ask any of us why we work at the Electoral Commission we would say it is because we believe that democratic politics is really important. We are lucky enough to live in a country which has a strong tradition of democratic politics. We also recognise the role that political parties play in supporting democratic politics. After all, you can't choose at an election unless you have some competing manifestos to weigh up and choose from. So we work where we do because we are passionate about that, and of course in the public information that we will provide for voters about the referendum, we will tell them how they can participate. But there is a point where we look to you and to those who will be campaigners in the referendum to engender some of the excitement and to drive up turnout by producing and promoting inspiring policies and candidates.

**Q75 Chair:** I was a little surprised to read in the evidence you sent us that you already feel that the Bill needs to be amended, particularly around the combination provisions. It is probably not a secret that the Committee feels that there hasn't been enough time to prepare, and certainly not enough time to have proper pre-legislative scrutiny. Are there other places in the Bill where you feel more work is needed? Even though Second Reading has only just taken place, we are looking at preparing amendments-in some cases quite significant-to the Bill itself. Do you feel you have had enough time to be consulted and to prepare yourself for this benchmarking?

**Jenny Watson:** We have set out very clearly in relation to our statement at Second Reading the areas where we think that more work is needed. We have been very clear about what needs to be done to achieve a successful referendum. The rules need to be clear six months in advance so that everyone can prepare. We need Government to support the Commission as it works with those who will help us administer the process. Another area that we have highlighted in that briefing concerns the types of materials that voters will use when they go to the polls, because there are a number of different elections taking place on that day. There is more to be done there. Both Andrew and Peter may want to say a little more about that.

**Andrew Scallan:** I think the briefing in the draft summary is where we are with it.

**Jenny Watson:** We can give you some practical examples of what that might mean, if that is helpful.

**Q76 Chair:** Please do.

**Andrew Scallan:** We could look at the combination example. If the law isn't amended to allow for combined polls as distinct from separate polls held on the same day, it would be necessary to have separate polling stations for each event that takes place. So if you imagine your typical school hall with a polling station, which may be a table with two members of staff sitting behind it, there would need to be a table for each event that is taking place on the day. Notices would be about each separate event. We would look for an opportunity to present material so that when a voter enters a polling station they will have a clear message about what event or events are taking place on that day.

**Jenny Watson:** That is also the case in relation to postal ballots, where it is possible that voters may get more than one postal ballot. Again, without more ability for us to have a little bit more power to direct the content of those notices, it is possible that when you open your postal ballot you are going to have separate ballots for each election and possibly separate instructions for each election.

**Q77 Chair:** And these things were not in the original Bill and were not prepared for adequately?

**Jenny Watson:** I said in my opening statement that we're confident that they can be addressed. We will come back to Parliament if we think that they cannot be addressed.

**Q78 Chair:** But they are being addressed because they are omitted at the moment from the initial Bill?

**Jenny Watson:** They are not in the legislation at present.

**Q79 Chair:** Are there other examples? You said the combination voting and postal voting were not addressed in the original Bill. Are there other things that are omitted that need to be put right, otherwise the referendum doesn't go ahead?

**Jenny Watson:** Those are the main things. Just to be clear, the rules addressing combination are not in the Bill. Once those rules are there-I hesitate to use the word "straightforward"-it is then a relatively straightforward process for us to be able to make sure that the thing can run properly.

**Q80 Chair:** I am tempted to ask a very leading question, which you may choose not to answer. Frankly, had there been an effective 12-week process by Parliament to look at the original Bill, wouldn't those things have been picked up by us rather than waiting for you and others to have to amend the Bill? Does Parliament have a role in doing this sort of stuff?

**Jenny Watson:** I would start from a different place, if I may, which is to say that had there been a session of pre-legislative scrutiny, we would have wanted to have some kind of ability to provide briefing on that in exactly the same way as we are providing briefing for Parliament now as the Bill goes through.

**Q81 Chair:** Okay. One last technical thing from me, although I should know this: are the results declared by constituency?

**Jenny Watson:** We are still working through. Peter might want to say a little more about how we are doing that, with the network of Regional Counting Officers, and precisely how we will go about declaring those results. As a principle, we would want the result to be a UK result when it's declared, rather than being released in dribs and drabs. There is a Counting Officer for each local authority area. Do you want to say any more about that?

**Chair:** Yes, declaring the result is one thing, but having the information available on a localised basis-after the poll-is obviously another matter.

**Andrew Scallan:** It is going to be different in different parts of the countries. In England, it will be based on local authority areas; in Scotland and Wales, it will be based on the parliamentary and Assembly constituencies.

**Chair:** Mr Wardle, do you want to add anything?

**Peter Wardle:** No.

**Q82 Mrs Laing:** Good morning. The issue of the combined polls concerns many of us. May I ask a couple of questions to clarify the Electoral Commission's position?

In 2002, the Electoral Commission, in advance of possible referendums that might have taken place, said: "Referendums on fundamental issues of national importance should be considered in isolation." I understand that the Electoral Commission then went on to say: "Holding a referendum implies that there is a constitutional/important issue being put to the country. It is preferable that the issue being debated is subject to as little 'interference' or influence from other ongoing activities, such as general, regional and/or local elections. For example, shifting attitudes towards political parties, their relative un/popularity of the day, may have a greater impact on the referendum result than feelings or knowledge about the issue at hand."

It seems that when these matters were considered in 2002 the Electoral Commission was pretty clear that there was a danger of distorting the result if you held a referendum on the same day as other elections. Has the Commission changed its position on that?

**Jenny Watson:** I am grateful for the opportunity to set out the process, so forgive me if I take you through that from the beginning.

Last year, the Commission started to prepare for a referendum which we thought could be about to happen in Wales, on the powers of the Welsh Assembly Government. As part of our preparation, we started to look at every aspect of what we would be required to do in a referendum-refreshed, updated and made sure that we were prepared.

As a result, we looked at a number of things, such as how we would approach the testing of the question and a number of things in relation to a referendum. One of the questions that we looked at was our position on combining a referendum with other elections that would take place at the same time. We went back to the international evidence and the international standards to look at what that told us about combination and the impact on the voter-after all, that is where we always start, with the impact on the voter.

Having done that, we concluded, after considerable discussion, that the evidence was not conclusive enough to support a position that said, "You should never combine a referendum with another event." So, we adopted the position last November-which we published-that we would consider each case on its merits. There may well be cases in which we would consider a proposal for a combination of a referendum and another poll but would say that it was not suitable to go ahead-that it was not acceptable. But there would be other cases in which we would say, "Yes, we think this can be done. There are risks, but here is how they can be mitigated."

That is the process we went through, which then meant that when we came to look at this particular proposal we were very clear about what we were looking for. We were looking for any risks that we thought existed and seeing if they could be mitigated. On balance, we think that there are benefits from combining, not least because you do not have so much voter fatigue, which would be the case if you didn't combine. Therefore, given that the evidence is inconclusive and there is not enough evidence to support an in-principle position, we will now approach things on a case-by-case basis.

**Q83 Mrs Laing:** That is very helpful, thank you. I appreciate that the Electoral Commission cannot take a position, and that you are remaining neutral and giving advice. However, would it be wrong for me to say, as a Member of Parliament, that the Electoral Commission took one position in 2002

but that it has now looked at evidence and the position is inconclusive? As a matter of practicality, is the evidence that the Electoral Commission has examined in that respect available? Is it published evidence?

**Jenny Watson:** It has been made available. I must correct one of your points. You said that we remain neutral. That is not the case. If we felt that a proposal for a combination was unwise, we would say so. To give an example-and I cannot say that this would have been the Commission's position-in 2003, there was the second election for the Scottish Parliament. Had we a proposal then, in the situation where we now are, taking each case on its merits, we might well have ended up in the same position. We might have said, "Actually, this is a not a very well-established institution. Perhaps this is not sensible." The situation that we are in now is very different. The Scottish Parliament is an established part of the political firmament in Scotland and, having looked at that on its merits and in the light of the evidence that is inconclusive about combination or not, we see no reason not to combine.

**Q84 Mrs Laing:** So it is no longer the case that, as the Electoral Commission said in 2002, that shifting attitudes towards political parties and their relative unpopularity or popularity on the day may have a greater impact on the referendum result. I appreciate what you say about the establishment of the Scottish Parliament. One side of the equation is the effect that the referendum will have on the Scottish, Welsh and other elections on that day but, turning it the other way round, is it now the opinion of the Electoral Commission that other extraneous political issues that arise on the day of the referendum will not have an effect on the referendum because, in 2002, the Electoral Commission clearly thought that they could affect the results of a referendum?

**Jenny Watson:** I don't think that I can be any clearer than I have been. We would consider each proposal on its merits. In that case, we were considering a proposal to hold a referendum on the same day as elections to the Scottish Parliament, the Welsh Assembly, the Northern Ireland Assembly and a whole range of local government and, indeed, parish council elections as well as potential mayoral elections. We considered in that circumstance and, given the evidence that we had, that it was possible to combine, but that there were risks that could be mitigated. That would not be the case for every proposal that was put to us.

If a proposal was put to us, for example, that coincided with an administrative change in the way of running elections, we might well conclude that, in that situation, it was too risky and we would not support that combination. It is looking again at each proposal afresh and considering the situation in which we find ourselves rather than taking an in-principle position that there should never be a combination. It is that which the evidence does not support.

**Q85 Mrs Laing:** That is very helpful, thank you. Can I just follow that up on the differential turnout throughout the country? The turnout in national elections in Scotland and Wales is normally very considerably higher than the normal turnout in local or parish council elections, which will take place in England. We know that on the proposed day next year a large proportion-about 84%-of English voters will be entitled to go the polls, but that their turnout would normally be under 30%, whereas it could be possibly twice that in Scotland and Wales. Is there a danger that there might be a differential turnout for those who vote in the referendum, and would that put the results in question?

**Jenny Watson:** I don't believe that it would because it is for the campaigners to excite the turnout. I am sure that if they present an exciting campaign, they will excite the turnout. Obviously, one of the things we considered was the impact on turnout and the question of voter fatigue. It is equally possible that if you ask voters to go to the polls, as indeed voters in Wales would have been asked

to do on three separate occasions in perhaps a short time, there would be questions like that all the way around the piece. So we considered it and our view was that it is possible to combine. Clearly, there is a need for good public information to inform people about the fact that there is a referendum. We can say a bit more about that in due course.

**Chair:** Simon, just come in on this one.

**Q86 Simon Hart:** It is a brief one connected to what Eleanor Laing has just said. You mentioned Wales. As you hinted, there is a referendum on certain parts of the Welsh Assembly, which is likely to be held in March. Is there a particular reason why that is not being held on the same day? It seems to me, from what you have said, that it is perfectly possible; it would be cost-effective. What advice did you give to the Secretary of State for Wales in relation to choosing that date?

**Jenny Watson:** We do not select the date for referendums and the date is not a subject on which we have been asked to advise the Secretary of State.

**Simon Hart:** You have been talking about whether combinations work or not. What I am trying to ask-

**Jenny Watson:** If the Secretary of State were to ask, "Could you give us a view on combining, holding the Wales referendum on 5 May", then we would consider that and give a view.

**Q87 Simon Hart:** Is it possible to give us a view as to whether you think it would be possible or, indeed, even advisable?

**Jenny Watson:** I would not want to do so without consulting my board, actually-if you will forgive me.

**Chair:** That's fine. It might be useful if you dropped us a note, saying that the Select Committee has raised this issue and discuss it with the board, and perhaps give us some tentative advice, since it has not been raised with you by the Secretary of State. That would be helpful.

**Q88 Mr Chope:** Can I ask about the referendum question? You said that you are going to advise everyone about the intelligibility of the question. When is that going to be done? The Bill will be in Committee as early as 12 October. Obviously, if people were to put down amendments in the light of your views on the intelligibility of the question, they need to feel that they have the proper and latest information to enable them to do that. So when will you be able to produce your result on that?

**Jenny Watson:** That work is ongoing at the moment. I apologise for not being able to tell you the results of that today, but we will make sure that you receive the report. I would expect that we would be reporting within the next three weeks. You will have it before Committee stage.

**Q89 Mr Chope:** It is not just a matter of having it before Committee stage; it is matter of having it in sufficient time for people to be able to consider it and put down amendments in time for the Committee stage. It would be wonderful if you were able to tell us today that you have set a target date and that that is the date you are going to deliver, because then we would know how we could look out for it.

**Jenny Watson:** We expect to have the report published by the first week of October.

**Chair:** To explain how our arcane bureaucracies work inside the House, we need to give two working days' notice of amendments. Therefore, we would need to know this week in order to place amendments on the amendment paper for the first Tuesday back after our party conference break. That does not seem as though that is going to be likely.

**Jenny Watson:** That work is still ongoing, so it is a very-I appreciate that for parliamentarians that that is a difficult situation. We have tried to do it as quickly as we can.

**Q90 Mr Chope:** But you say you are going to do it. In fact, you would be able to put down amendments in the first week of October in time for 12 October. You say you would do it by the first week of October, but the first week of October begins on Monday 4 October, if my calendar is right. Obviously, if it was produced on Monday 4th, we would have time, probably, to put down some amendments. But if it was produced on the Wednesday or the Thursday of that week, we would not be able to. So could you set yourselves a target of doing it by the previous Friday, which would be Friday 2 October? Could you commit yourselves to doing that, because it doesn't seem to me that it is rocket science, really, to do that?

**Jenny Watson:** It is quite a long process to do the voter testing and then we have to make sure that what we recommend is based on the evidence from the voter testing. So it is not quite perhaps as straightforward as it may first appear. Peter, you are indicating that you want to come in.

**Peter Wardle:** The first thing to say is that we have always planned to report by the date you mentioned, Friday 2 October. If we do this, then we would have it with Parliament. If we say the beginning of October, we mean by the beginning of October.

**Mr Chope:** So Friday 2 October is the date.

**Peter Wardle:** If I could say a word about why it takes that long and why-

**Chair:** Mr Wardle, if I can just maybe help. I think it would be extremely useful. You have heard the views of the Select Committee, in terms of our timetabling. There are some differences of interpretation about how the House would deal with this matter. Maybe we could get the Clerk to speak to you, when he has taken some advice, and also to Mr Chope, and copy in the Members, to find out what the best time would be to give you the maximum time, but to give us time to put amendments in as appropriate.

**Jenny Watson:** I would be very happy to do that. That would be helpful. If you want to get a sense of what the process looks like, you can obviously look at our report on the question testing of the Welsh referendum question, which sets out in some detail what we do and how we do it, so at least the process will not be strange to you when you see the final report.

**Chair:** And just to make matters more difficult, it is the first item in the Bill, so it's not coming up the second week or anything. Sorry, Mr Wardle, I stopped you in mid-flow.

**Peter Wardle:** I don't think there was anything else.

**Q91 Mr Chope:** Have you received any assurance from the Government that they will accept your recommendations on the intelligibility of the question?

**Jenny Watson:** It is for the Government to decide on the question.

**Mr Turner:** No it's not; it is for the House of Commons.

**Jenny Watson:** Well, Parliament, in fact. I should say that it is for the Government to decide on the question that is put to Parliament, and for Parliament to decide on the question itself. If we were to make a recommendation that we thought there needed to be a change, that is something that I would expect both Government and Parliament to listen to seriously.

**Q92 Mr Chope:** But you haven't had any guarantee from the Ministers that they will accept your verdict on this?

**Jenny Watson:** Not in those explicit terms, no.

**Q93 Mr Chope:** You will have seen that the question talks about the alternative vote and also read the evidence from Professor Dunleavy, saying that the alternative vote designates a whole cast of systems: single office holder, multiple preferences and instant run-off. Obviously, there is a difference between the alternative vote as it is done for the mayoral elections in London and the alternative vote that we have just seen operating in the Australian parliamentary system. The question as posed at the moment implies that there is only one alternative vote system, and the one proposed in the Bill is not the one with which 5 million Londoners are familiar. Is this an issue that you are looking at?

**Jenny Watson:** We would expect to provide every household with some public information material, by means of a booklet, to explain to people the implications of what will happen, how they vote in the referendum and the difference between the two systems. Peter may want to say a little bit more about that. I would certainly anticipate every household to be provided with information on precisely the type of alternative vote that is proposed. Peter, do you want to talk a little about the public awareness?

**Q94 Mr Chope:** Sorry to interrupt you. My question is not so much about public awareness as about the precision of the question. We've established that there are several different sorts of alternative vote, but the question being proposed is a specific one, saying: "Do you want the UK to adopt the alternative vote system", which implies that there is one alternative vote system when there are several such systems. My question is whether that ambiguity is of concern to the Commission.

**Jenny Watson:** One of the things that we've talked about in relation to assessing the question-if my colleagues want to say more on this, they can chip in-is that the question cannot and should not try to replace the arguments and the debate that will be put in a campaign. It is essential for there to be public information that is available to people separately from the question. We are testing the question with voters, and that work is ongoing. We've sought submissions from political parties and from those who are involved in campaigning in this field on either perspective on the referendum. At some point in the next three weeks, by the beginning of October, we will have a report that sets out everything that we've learnt from that and what that tells us about the question.

**Q95 Mr Chope:** Sorry for going on a bit. I am still not convinced that you understand the concern that I am expressing, which is that when it says in the question "the alternative vote system", there is actually more than one system. Some Members-for example, those in London-will be familiar with one type, but the Government are proposing a different type. How will you make sure that the question focuses on the particular type of alternative vote that the Government are saying they wish to put to the people?

**Jenny Watson:** I do understand your question. With the greatest of respect, what I don't want to do is comment on elements of the question in isolation from our report on the intelligibility of the question. So I am trying to give you as full an answer as I can, with the context of the other ongoing work, without picking off one particular part of the intelligibility of the question debate. There will be a report that will set out our views on the intelligibility of the question. We've said to you that that will be published by the beginning of October. I am trying to ensure that we do that in the round.

**Q96 Mr Chope:** This is not meant to be a personal criticism,

but my final question is: can you assure the Committee that you are not in any way inhibited in criticising what the Government may be doing by the fact that you have been on the receiving end of some criticism from one of the senior Secretaries of State? That might cause some people to say, "I am now under pressure from the Government," and force an atmosphere of compliance. Can we have your assurance that, far from being compliant with the Government, you will remain independent?

**Jenny Watson:** I'm aware of some anonymous comments, and I do not intend to dignify them with a response. I can certainly give you my, and our, assurance that we are an independent electoral commission-independent of Government and any political party-and we will set out our views independently and very forcefully. Indeed, we will do that to Parliament as the Bill progresses and, if we don't get the changes that we need to the Bill in order to deliver a successful referendum and elections on 5 May, we will say so to you.

**Chair:** People who make comments about Mr Chope tend to make him more independent.

**Q97 Nick Boles:** Following on directly from what Christopher was asking, during yesterday's debate, the Minister actively encouraged this Committee to continue its mid-legislative scrutiny-an interesting term-while the Bill makes its way through the House. It occurs to me that, since you are bringing out a report on this very important question in three weeks' time, the Committee may well like to ask you to come back to talk about our report. It is a very important question, although obviously we understand that you can't go into it as fully now as you will be able to in three weeks' time.

**Jenny Watson:** That is an extremely good idea, and we would be very happy to do so. Another thing that we would like to have the opportunity to talk to the Committee about is the fact that it is possible that, by this time next year, after the referendum, we may have had two referendums after not having had many at all. I think that would be a good opportunity for us to come back and say to you, "Okay, this is what we've learnt from this, and this is what we know about the framework and any changes that might be needed." So I offer that as well.

**Chair:** You have read our collective mind. We have been hit by a perfect storm of democratic legislation, and it has rather knocked us off course. We set our stall out as a group to do some more forward thinking on things like this, and post-legislative scrutiny would be extremely valuable once the referendum has been held.

**Q98 Simon Hart:** I have two questions, one of them very quick. I may have missed this earlier-in which case I apologise-but when does the Bill have to become an Act in order to trigger the May referendum? You mentioned a six-month preparation period earlier-I am not sure whether that was in exact relation to this-but when does this have to be completed legislation in order for a safe referendum to be delivered?

**Jenny Watson:** What we have said is that the rules need to be clear six months in advance. That does not necessarily mean that we need the Bill to have Royal Assent; it simply means that the rules need to be clear enough. Peter, you may want to say more at this point about the work we are doing with those who will help us deliver it on the ground. I think that will help.

**Peter Wardle:** We have made it very clear in our comments on the proposal to take the referendum forward next May that we want to see a number of things, some of which we have already talked about. One of them is clarity about the rules that will apply not just to the referendum, but to all the elections that will take place. That is the combination issue that we have already touched on. Alongside that, there needs to be certainty for those administering the referendum and the elections, from the Chief Counting Officer at the Electoral Commission right down to local authority level, that the Government have understood correctly, assessed and made provision for sufficient funding for all of this to happen, because it is a fairly complex funding arrangement. There are savings, but there are also costs to running more than one poll on the same day. As long as that is clear-so far, the indications from the Government are that they have heard that message and intend to work towards clarity on what the rules will be and the funding, six months in advance-that meets our first concern.

Returning to your point, the one thing that is triggered by Royal Assent is the official referendum period, which Lisa might want to say a little more about. It is to do with the regulated period for the various activities that are regulated under the Political Parties, Elections and Referendums Act 2000.

**Q99 Simon Hart:** That was going to be my second question, which was about the advice that you are proposing in relation to spending limits. Given the context of the Welsh Assembly election falling on the same day, what are your plans regarding the clarity that you can give to that advice?

**Lisa Klein:** I shall approach the first question in terms of the regulated period under the legislation, which starts when the Bill gets Royal Assent. That is when the expenditures will count towards the expenditure limit for the purposes of the referendum. That period can be slightly longer in relation to elections, but that is what we will be dealing with in this context. To ensure that the rules are clear, we will issue specific guidance when the Bill is at post-Committee stage. As soon as the scope of the rules is clear, we will go forward with final guidance. In the interim, we are already reaching out to potential campaigners to advise them and to get a contact list going so that they will know of any change in the rules. People, therefore, will be as ready as they can be on that initial day of Royal Assent.

The second question was about spending, particularly in Wales, where the other election will be. This area is not always easy, but it is certainly one in which we have expertise and experience, because we deal with other elections and have done so since the beginning of the Electoral Commission. For example, in 2010, the general election ran alongside local elections. The real issue is of where expenditure is allocated, and we have guidelines on that. We have worked with parties, and in addition to our written guidance, we have a small team, who offer advice, even on a confidential basis if necessary. Although it is not necessarily easy, methodology and resources are in place to address those issues.

**Q100 Simon Hart:** Likewise, because there will be a referendum in Wales about eight weeks before this referendum, there is a potential spending overlap. Your advice, therefore, will extend to clarification on that, so that nobody ends up on the wrong side of the fence.

**Lisa Klein:** Exactly.

**Q101 Simon Hart:** Is that an easy, straightforward procedure?

*Lisa Klein:* It's doable; it's workable. There are some basic principles to apply and the rest depends on the facts and on an honest assessment. A reasoned judgment must be brought to bear, so I am not going to pretend that it will require no thought. But we are there to assist and to work with those who are affected.

**Q102 Simon Hart:** To finish on the first point, it is not, therefore, essential for Royal Assent to be granted, but it is possible for you to do your job even if the Bill is in play, so to speak.

*Lisa Klein:* It is. We need to acknowledge that if referendum campaign spending were to take place before Royal Assent, it would not be captured by the spending limits.

**Chair:** Andrew, I don't know whether Simon shot your fox.

**Q103 Mr Turner:** He may have done; I am not sure. May I work from a different angle? Nothing may take place less than six months before the referendum. What are those things that cannot take place?

*Peter Wardle:* The one thing that we say must not happen five months before the election is significant changes to the ground rules.

**Q104 Mr Turner:** What are significant changes?

*Peter Wardle:* Well, we've talked about one of them: combination. It would be too late, in our view, for the Commission and for local authorities up and down the country to try to deal with the impact-to think through and to prepare for a set of combined elections-with, for example, only four months' notice. We have been clear that we need six months' notice. In practice, we are looking for clear combination rules to be introduced in Committee. We want to see that in good time. Another example would be if another poll were to be introduced. If, for example-this is one of the factors that we have touched on-there were a late decision not to have the Wales referendum in March but to move it to May and that decision were not taken until December, we would say that that would be a very complex problem to try to deal with.

**Q105 Mr Turner:** Would the words be significant?

*Peter Wardle:* The wording of the question?

**Mr Turner:** Yes.

*Peter Wardle:* There are two practical implications. One is that we would need sufficient time to prepare the booklet that is going to people. In practice, that probably is not subject to a six-month time limit, but there would certainly be a date beyond which it would not be possible. We cannot send a booklet out when there is no legislation to send it out about, so obviously our plans already take account of that. If there were a very significant change in the question-suppose, for example, that a third voting system were to be introduced in the question as one of the options-that would certainly give us pause for thought, because we would need to think quite hard about how the whole message to voters was pitched. That, I think, would be a question of degree, and we would have to see.

The other very obvious practical point is that it would have implications for the ballot papers. The ballot papers would have to reflect the question correctly; but again, unless Andrew wants to correct me, I think that that sort of decision can be handled at a relatively later stage. The key thing is that people need to know what it is that they are preparing for, in broad terms. That is where the six-month limit kicks in, and it has to do with how many polls take place, whether or not they are combined and so on.

Those are the big issues that we need to see very clearly in the Bill, and they should not be changed significantly. It is more about the rules and the administration of the poll than about the content of the poll, where I think we accept that Parliament must have the right to take a view right up until Royal Assent.

**Q106 Mr Turner:** The problem is that the first day of the Committee stage is on about the 10th or 12th-

**Chair:** In working terms, it is effectively next Tuesday-the Tuesday in our next working week.

**Q107 Mr Turner:** After that, there is less than a month before these things are clear. Is that correct?

**Peter Wardle:** I am not absolutely sure how long Committee stage will last, but yes, we would want to see-

**Q108 Mr Turner:** Neither are we, but we know that the second day is the following week-the 19th. I do not know whether we have any holiday in between.

**Chair:** No.

**Q109 Mr Turner:** I do not know how we intend to get the Bill through the House of Commons, let alone the House of Lords. It has not reached the House of Lords yet; they have not even seen it. We are now talking about the second week-the one with the 19th in it-probably the third week, and then Report and Third Reading have to take place, and then it has to get through the House of Lords. How long do you expect it to take during the House of Lords, and is that relevant?

**Jenny Watson:** It is absolutely not for me to comment on the timetable to get a Bill through the House of Lords. I can give you an assurance that we will continue to come back to you at every step of the way and give you a very clear view of where we think everything is. I appreciate that from all your perspectives there is pressure on the timetable-indeed, we said that right from the very start. It is possible to do it, but the timetable is tight, and I acknowledge that.

**Q110 Mr Turner:** Could I ask another question? Would you say that when and if the referendum takes place, it would be easier in one sense to have the referendum in room A and the election in room B?

**Jenny Watson:** I actually think that the point my colleague was trying to make was the opposite of that.

**Q111 Mr Turner:** Right, so you're hoping to combine them.

**Jenny Watson:** Yes, combination is absolutely critical to the whole enterprise here.

**Q112 Mr Turner:** So in a place such as the Isle of Wight, where there are no elections-there may be by-elections, of course-and there is just a referendum, people get different things in the post from people in, say, Hampshire, where they may have different elections?

**Andrew Scallan:** The intention is that the booklet that the Commission will produce will be the same across most of the country.

**Q113 Mr Turner:** Sorry?

**Andrew Scallan:** The information booklet that we will send out will be the same, but where only the referendum is taking place, people will simply get the ballot paper for the referendum. If straightforward, they get one envelope, one ballot paper and statement. For the combined areas, what we want to achieve is that people with a postal vote, for example, will get one envelope containing the postal votes for whatever elections are taking place alongside the referendum. So there will be slightly different materials, but they will relate to the election or the referendum, whether it is the referendum on its own or combined with an election.

**Q114 Mr Turner:** But the problem will be that everybody gets the same booklet. I take it that Wales and Scotland get the same booklet?

**Andrew Scallan:** Yes.

**Peter Wardle:** Just to be clear. The intention is that the Commission will explain to every household in the UK about the referendum, and in Scotland, Wales and Northern Ireland about the Assembly or parliamentary votes that are taking place. So there will in effect be four separate versions of the booklet for the four constituent parts of the UK. What we will not attempt to do, on a national co-ordinated basis, is from a central point to have a tailored message to every single household saying, "In your particular area there are going to be parish council elections, or a mayoral election as well."

We will be talking through the Regional Counting Officer network. Regional Counting Officers are, broadly speaking, the same as the Regional Returning Officers who run the European parliamentary elections, and they will work with local Counting Officers to identify where there is a relatively straightforward poll on 5 May, as in the Isle of Wight, or there is a relatively complex set of polls, as in your example of Hampshire. In those cases, we would want the local returning officer to consider what additional instructions or advice to voters there should be.

If you think about it, in terms of existing elections, taking the referendum out of it, it is not uncommon for there to be, for example, a general election and possibly-bad example-a European election, local elections and perhaps some parish council elections. We do not typically see returning officers making a great public awareness push in advance of that to tell people everything they can expect. People will be aware of what is going on from the campaign material that comes through their doors and what they see around them in the local media, but quite a lot of the evidence points to the fact that what really matters is how you manage the polling station or the postal vote envelope when people actually come to vote.

However much people read in advance, the important thing is when they come to vote-when they turn up in the polling station or they open the postal voting envelope-there need to be very clear instructions and a very clear explanation of what they will find, what the opportunities are to vote and how to cast their vote in each case. A lot of our focus will be on making sure that, at the point

of voting, people are very clear which ballot paper is for which vote and how to complete each ballot paper successfully, because, for example, in Scotland there will be different systems in use.

**Jenny Watson:** If I may go back to your earlier question about the time frame and what needs to happen and when for all those things to run well, the other element that we highlighted in our briefing on Second Reading is this issue of materials that voters will use being sufficiently clear and designed in a way that is voter friendly, rather than, if I may characterise it this way, election law friendly. Those two things are often not the same. We are still in discussion with Government about the extent of the role for the Commission in helping to support those Counting Officers in making sure that those materials are right.

**Chair:** Just on this question, a number of colleagues want to come in. Eleanor Laing first.

**Q115 Mrs Laing:** I am a bit shocked to be perfectly honest, having just worked out the implications of the six-month timing rule. I was aware of it but, until listening to your evidence, I hadn't actually counted it out. That means that 5 November is a very significant date, or in or around that date-the week of 5 November.

**Nick Boles:** Appropriately.

**Mrs Laing:** Yes, as my colleague points out, appropriately-if you want to mess up the constitution, that's the day. You cannot possibly comment on that.

Would it be right to say that, given that this Bill really has no chance of going to the House of Lords before or around 5 November, the House of Lords therefore cannot make any significant alterations to the parts of the Bill relating to a referendum if the referendum is to go ahead on 5 May?

**Jenny Watson:** What we've said is that the rules need to be clear six months in advance. That does not mean that the Bill needs Royal Assent. Obviously, the Bill will be making its way through Parliament and Parliament will have things to say about the Bill. We will come back to you at every stage. We will come back to you and to your colleagues in the Lords if we feel at any point that we do not have that clarity far enough in advance.

**Q116 Mrs Laing:** I am glad we've got that straight, thank you. However, it could be that on or around 5 November the Bill remains exactly as it is at the moment, and therefore you have clarity for your purposes, and it would be quite correct to proceed as Mr Wardle explained; but then, at some point in January, there might be an enormous change brought in by the House of Lords, in which case, retrospectively, the work that had been done from 5 November onwards would become invalid.

**Jenny Watson:** And we would then have to consider a view. And obviously the Bill will come back to the Commons and you will want to consider a view.

**Chair:** Still on this point, Simon?

**Q117 Simon Hart:** It is not quite on this point, but is going back to when you were touching on explanatory notes, how you would put this to the vote or voters' interests. Again, going back to the combination of a Welsh Assembly vote and an AV referendum on the same day and to the point made by Christopher Chope, what is the AV? The sort of AV that people will actually be using on that day in Wales-in the ballot box, doing it-is a different sort of AV to the one being proposed by the coalition. Are you planning to make that clear to voters? The AV they are being asked to vote

on in the referendum is not the same AV that they are actually using when they are in the ballot box on that day.

**Jenny Watson:** From memory, the elections in Wales are not through a system of AV. I think they use the additional member system.

**Simon Hart:** It's a sort of AV.

**Jenny Watson:** The broader point, given that there will be elections taking place under a range of voting systems on 5 May-that is perhaps the place to start-yes, what we will be making clear to voters, as Peter said, in the four constituent parts of the UK is precisely the nature of the change proposed. I think it likely that we will need to explain to people what first-past-the-post is and how that works, as well as explaining what AV is and how that works.

**Simon Hart:** And what the alternative AV is going to be-we are talking about three different things.

**Jenny Watson:** What the specific system proposed by Parliament is, yes.

**Simon Hart:** The reason for this is that in the last Assembly election, there was, among the postal vote ballots, about a 7% to 10% failure rate in my constituency, purely based on the fact that people filled the date in wrong, invalidating their vote. It was a bilingual fault-a very simple thing-but there was a 7% failure rate on a result which had only 300 votes between one and three. It is really crucial.

**Jenny Watson:** It is, and I know Peter wants to come in, but let me start from a different point and see if I can be slightly simpler.

What we will be explaining to voters is how they participate in the referendum and in the elections that are taking place on 5 May, if that is what Parliament decides. We will be explaining to voters in Wales, who will be voting in the Assembly elections, how they vote in those elections. We will be explaining to voters who are voting in the referendum how they vote in the referendum. Separately, but in the same booklet, we will be explaining to them what the implications are of a yes vote and a no vote in the referendum. We will not be giving any campaign arguments-that's for campaigners to do-but we will be giving them basic information on the systems put forward and the implications of a yes or a no vote. Do you still want to come in, Peter?

**Peter Wardle:** The only thing to add to that is that it's early days and we haven't yet finalised what is going to be in that public information. However, listening to a number of the comments from the Committee, I think they chime with our own early thinking, which is that it's probably going to be important to explain what systems are not as well as what systems are, because, as a number of people have mentioned, there is scope for confusion. As Jenny has mentioned, it is not necessarily the case that everybody immediately recognises first past the post and knows exactly what that is. If you say to people in some parts of the country, "The system we normally use," that might not necessarily provoke the reaction, "Oh, that's first past the post." If you think of Northern Ireland, for example, most elections take place with a different system. We are going to have to think quite hard about explaining to people what it is that they are being asked to choose between and where there is a change implied and where there is not.

That speaks to some of the points that a number of members of the Committee have raised already, which is that simply using a label, which may be the label in use in London, Westminster, Whitehall

or anywhere, doesn't necessarily mean that voters across the country will know precisely what that means. We may need to think about how we make it clear.

**Simon Hart:** And a cynical comment that it is up to us to excite voters. It's quite a tall order to excite voters into ploughing their way through what sounds to me in Wales like a very big task.

**Chair:** You can do it, Simon.

**Simon Hart:** Do I want to do it-that's a different point.

**Chair:** I am going to pursue this point. People want to come in on this specifically. Catherine, has your point been answered?

**Q118 Catherine McKinnell:** It has been dealt with in part, but I want to put on the record some of my concerns.

There have been comments that we insult the British people if we question their ability to manage multiple elections on one day, but my experience is that a lot of people are very confused by elections. In the last election, we had a local and a general election on one day, and the instructions on the paper that came with the postal ballot paper and the actual envelope were incompatible. That caused a lot of confusion for a lot of people. Obviously, that is something you will have had feedback on and have learnt from, but it strikes me that to do such a significant operation as this in what have been admitted to be very tight time scales leaves more margin for error and poses higher risks when it is a time-pressured operation.

You were saying that there are risks and they need to be minimised. What do you think are the key risks in the short time scale and the large-scale operation that will be required in order to make sure the referendum goes ahead smoothly, and that we don't have the kind of confusion that people have had, particularly with postal balloting?

**Jenny Watson:** Well, I think we've set out clearly the things that we think need to happen to the Bill, so I won't repeat those. I would say two things in relation to your specific question, and Andrew may want to come in on one of them. The first is that the Commission has published its own guidance, entitled "Making Your Mark", which looks at precisely the question that you raised about the kind of experience that voters have when they go to vote because of the nature of the materials with which they are presented, which are very frequently not terribly well designed and not in clear language. It is that, which was developed through a great deal of voter testing of materials, that will inform our approach to the design of things like the ballot paper instructions.

The other thing that it is important to bear in mind is that a referendum is the only kind of polling event in the UK where there is any kind of system of co-ordination. We do not have that in elections. We have individual returning officers making their own decisions based on local knowledge, and that is a very important principle, but there is no system of co-ordination. In effect, therefore, one of the risks is already mitigated, in that you have a Chief Counting Officer and you have an organisation that is responsible for running a referendum. Given that we hope to have those combination provisions, that gives us much more co-ordination and control of the whole process of the polls, including the elections, happening on that day. I hope that that is of reassurance to the Committee, though I note again that we have said the timetable is tight. Do you want to add anything on voter accessibility?

**Andrew Scallan:** I would commend the Committee if it could find the time to look at the "Making Your Mark" document, which addresses issues that were policy issues for Government to address—because legislative changes were needed to make things more accessible—and which points out to administrators, "There are certain things that you can do make materials that aren't covered by statute more accessible."

**Q119 Sheila Gilmore:** I would like to take this further. Paragraphs 3.12 to 3.14 of your written evidence to the Committee appear to say that the forms, as included in the Bill, are not satisfactory. That implies that the Bill as drafted does not have any reference to that document. Given the time scales involved, in what way will the comments that you wish to make come forward? That is not about the wording, but about the forms, because the forms themselves form part of the Bill. We have already heard about the short period available to form amendments. It may be that you are able to tell us that the Government have already asked you to present an amendment—or what is, in effect, an amendment—on new forms for the beginning of October. That would be helpful, but otherwise I am not clear as to how your expertise is going to be put into the Bill in time.

**Jenny Watson:** One way would be to put an amendment to the Bill that could give the Chief Counting Officer slightly more discretion in some of the materials that voters will receive. Andrew may want to say a little more about that.

**Andrew Scallan:** This relates to the discussions that we have had to try to make the statutory rules more flexible. The whole log on elections is very complicated and archaic, and some of the forms that are used now were also used in 19th-century legislation. "Making Your Mark" tried to change it, and it seems that some of the legislative language, as Jenny mentioned earlier, is election-law friendly rather than voter-friendly. There is a need to have a bit more flexibility to make sure that the spirit of the law is available and expressed in a language that the voter will understand.

**Q120 Sheila Gilmore:** Catherine has already raised some of the issues around postal voting, but I think that we have all had experience of some of the difficulties associated with the postal-voting process. They have been compounded, for good reason, by people having to provide their signature in the box and remembering to put it in the form. There are good reasons for doing that in terms of ensuring that there is no electoral fraud—or trying to minimise it—attached to postal voting, but it does make postal voting an even more complex process for people. We have seen, perhaps, larger numbers of postal votes being declared invalid than might have been the case in the past. Do you have any concerns about that?

The other thing is that people don't always put the form and their signature in the right place. There must be some experimentation with attaching it to an envelope, but I don't know how that works when you have different votes on the same day.

**Andrew Scallan:** What we would try to do in the referendum is make sure that the materials sent out in a postal vote are designed to the standards to which we refer in "Making Your Mark", so that we would look at it being simpler. A lot of the issues around rejected postal votes are about people putting the date of signing rather than their date of birth. Some of that has been mitigated by some very simple form-design issues that make the first two digits of the year clear. For example, if you put "19", you encourage people to understand that it is their date of birth rather than the date of signing, although some people still persist in changing that to "20". So a number of things can be done in terms of design.

We would seek to make sure that there is some consistency in using well-designed materials. The changes to the date of birth and the signature are an important safeguard. The deteriorating

signature is also an issue. Current law says that the postal-voter list should be reviewed every five years, but people's signatures may deteriorate over a five-year period. The Commission has suggested that there ought to be a change in the legislation to allow Electoral Registration Officers to refresh those signatures more frequently, so that the records held are more up to date.

**Q121 Catherine McKinnell:** I have questions that are possibly on a completely different note from the referendum. They relate more to the actual electoral roll and the current register. I know that you produced a report earlier this year outlining some of the Electoral Commission's concern about unregistered voters, and I want to explore with you a little bit what current plans you have in place. Will you briefly explain your current thinking about unregistered voters and the estimated numbers of them in the country?

**Jenny Watson:** I hope that everyone on the Committee has seen a copy of the report; if not, we will be happy to supply them with it. That particular report looked at eight specific case study areas in more detail. It is important to say that we could not generalise from those eight case study areas across the country, but it gave us more idea within those areas about the kinds of voters who are less likely to be registered. You will have seen the conclusion about young people and people from some ethnic minority backgrounds. People in the private rented sector are particularly less likely to be registered. Nothing in that report contradicts our earlier best estimate that between 8% and 9% of voters would be missing from the roll.

It is very interesting for me to talk to my colleagues in other countries with a similar roll. I am thinking particularly about Australia and Canada; they have a similar percentage of voters not on the roll. One part of our work was about saying that there are unregistered voters, and our voter registration campaigns are designed to address that. Another part was about saying who is on the roll and should not be, and another part of that research looked at the decline in the accuracy of the register over time. I think I am right in saying that, over a 12-month period, the accuracy of a register would decline by about 10 percentage points. That is not anything to do with fraud, but simply to do with people who have moved, died or simply should no longer be on the register. Andrew, you might want to say more about that or perhaps more about what we are doing now, given that we are in the annual canvass period.

**Andrew Scallan:** In terms of the summary report there is not a lot to add, but in terms of the canvass that is under way at the moment, the Commission issues detailed guidance to Electoral Registration Officers on how to carry out their functions. We have performance standards for Electoral Registration Officers, and those officers who were not performing particularly well last year are being sent an action plan for improvement to this year's canvass.

**Q122 Catherine McKinnell:** Do those standards encourage local authority areas to target specific unregistered groups or specific inaccuracies on the register? I am interested because political bias could enter into some of the activities of Electoral Registration Officers. For obvious reasons, if you target particular areas, you are likely to find specific types of voters. I am interested to see what those targets actually constrain or encourage Electoral Registration Officers to do.

**Andrew Scallan:** The standard will certainly mark down an Electoral Registration Officer who takes the one-size-fits-all approach. We ask them to make sure that they understand the demography of their local authority area and that their canvassing techniques are geared to that area. There is a minimum requirement in law about canvassing techniques, but we would also want to make sure that Electoral Registration Officers are using all the resources available to them as well as the intelligence within the authority, and that they are using the right sort of techniques that will reach people. One of the issues often raised is that people send canvassers round, but that they always call

at 10 o'clock on a Saturday morning. There is no point in calling 10 times on a Saturday morning if everyone is always doing their shopping at 10 o'clock. It is about having an intelligent canvassing programme that targets people when they are likely to be found in, and that also acknowledges that houses in multiple occupation need to be treated differently from properties in rural areas.

**Q123 Catherine McKinnell:** My apologies if I am ignorant in this area, but do financial resources come from the Electoral Commission or does the local authority have to resource that itself financially?

**Andrew Scallan:** The local authority resources it. The Electoral Registration Officer can ask the local authority for the resources needed to carry out the function.

**Q124 Catherine McKinnell:** So do you have concerns, in terms of the economic climate and public cuts that we're facing, that this might be a programme that could be compromised by that?

**Andrew Scallan:** It is certainly something that we will be monitoring. The point you will be interested to know is that it's only for the past two years that there has been collation of information on local authority spend on elections and electorate registration. That only came in the 2006 Act, which gave powers to collect information. We are gathering that at the moment, and that information has been and will continue to be published. It will be an opportunity to monitor.

**Q125 Catherine McKinnell:** Are you aware yourselves-is it something that you're conscious of-that there is potential political bias in the electoral registration process?

**Jenny Watson:** From time to time, people do occasionally say this to us. My usual response to them is, if you have any evidence, I would very much like to see it. As yet, I'm not sure that I have seen any evidence that I would consider as stacking up. I will make the invitation again: if you have the evidence, we would like to see it.

**Q126 Catherine McKinnell:** So it's not something that you are actively monitoring, assessing or taking action on?

**Jenny Watson:** What we monitor, as Andrew set out, is the performance of the registration officers against the performance standards. It is probably fair to say that the weakest area of performance against the standards would be the participation standard, which I think would perhaps speak to some of the points that you mentioned. It is also the case that registration officers can have access to other resources within their local authority, so they can be using the council tax database. There are other sources of information that, for example, they can use to try to drive up the register. The better ones do it, and that's another thing that we monitor with the performance standards.

**Catherine McKinnell:** May I just ask one more question? I could go on for a while, but I just have one more question.

**Chair:** That's okay.

**Q127 Catherine McKinnell:** You talk about using other sources of data as an important tool in the process. Given that there is a new census due to come out in March 2011, do you feel that that would be a useful resource in terms of tackling under-registration and incorrect currently registered voters?

**Jenny Watson:** There are many sources of data that I think would be useful for registration officers to be able to access in relation to voter registration. The previous Parliament passed legislation on the introduction of individual electoral registration, and one of the aspects of that was the ability to match data to try to catch people who might not be on the register and then be able to write to them and ask if they would like to be on it. That particular part of the legislation is really welcome, because it is that kind of data that I think have most to offer. The census is useful for other reasons, and my colleagues may want to say more about that.

**Andrew Scallan:** On the census point, this census is the first time that nationality has been asked for. Of course that is an important issue about eligibility, and that will assist people in understanding the nature of the eligible population within a local authority, which has always been very difficult to capture.

**Q128 Catherine McKinnell:** Just in relation to using cross-data, is this something that you rely on the local authorities to access and actively pursue? Do you find that local authorities are doing that and have the resources to do so?

**Jenny Watson:** In relation to data held by the local authority or other data, at the moment, there isn't an ability to match other data. That is part of the provisions that Parliament passed on individual electoral registration. I should say that I am aware that the coalition Government have set out in their agreement a plan to look at that. I have not seen any formal plans on that, so I can't offer a comment. But that data-matching is a very important part of what we hope might be a more modern mechanism of registering people to vote-one which says, "It's your individual right to vote, and you should take responsibility for that." That then enables registration officers to go to individuals, rather than relying on somebody in a household to fill in a form for everybody who is there, which is not a situation that a modern democracy should accept.

**Q129 Chair:** Do you have an estimate of how many people are not registered?

**Jenny Watson:** I think I said earlier on that we estimate between 8% and 9%.

**Q130 Chair:** Do you feel that areas that have high failure to register correlate with high inability or desire not to vote? Does low turnout correlate with high failure to register?

**Jenny Watson:** I don't think I am able to answer that specific question.

**Q131 Chair:** Let me be a little more helpful. In a constituency such as mine, 50% of those who registered vote. Would a constituency like mine also have a high number of people who didn't register in the first place? Turning it round, do those colleagues here with a higher percentage of people who vote also have a higher percentage of people who register?

**Jenny Watson:** It is clear that the headline figure for registering to vote differs in different places throughout the country. I am not sure that I have the evidence with me here to answer your question on a correlation between registration and turnout. Do we? I'm not sure.

**Andrew Scallan:** No.

**Peter Wardle:** There is clearly a question about whether there is a general issue about the level of civic engagement or democratic engagement. It is perfectly possible to map those. We haven't got them with us, but we can certainly give you a note.

**Q132 Chair:** Could you drop us a note?

**Jenny Watson:** Yes, if we have anything that is helpful we will do that.

**Chair:** I am going to move to Peter Soulsby and then Nick.

**Sir Peter Soulsby:** If it is okay, Chairman, just to come back to the referendum.

**Chair:** I know Eleanor had a question on what we have just been speaking about.

**Q133 Mrs Laing:** I think Ms Watson might well have just answered it. I was just going to ask-as I always ask because I have been pushing for this for more than five years-will individual voter registration help in getting a greater percentage of those who ought to be registered to register?

**Jenny Watson:** I very much hope it will. I think the idea that your vote is yours and it is not somebody else's-you need to take some responsibility for it-will help and enable registration officers to do more work. For example, with young people, we have seen what has happened in Northern Ireland, where there has been a very focused programme of work on encouraging young people-16 and 17-year-olds-to register to vote, where the numbers coming on to the register have improved dramatically. If that kind of work could be done here, you could see far more young people coming on to the register. Of course, you can do that once your vote is individual. There can be some kind of targeted focus on those people. That is also the case in relation to the data-being able to match different data and to try and identify those people who are not on the roll at the moment and give them the opportunity to do so. I think that combination of individual registration, with the data-matching powers, may go some way to moving us in the right direction.

**Q134 Chair:** Wasn't there a large number of people registering in Northern Ireland because 10% of the population dropped off the register when individual registration was introduced?

**Jenny Watson:** There are all kinds of reasons why some young people, in particular, may register in Northern Ireland. Of course, in Northern Ireland they also have photo ID when they go to vote. I have heard anecdotally that one of the many benefits, if you are young, of registering to vote in Northern Ireland is that you get a photo ID card, which you can use to get you into the pub as well as the polling station. I can't possibly say which of those motivates people more; nevertheless. There was a change in the roll and I think we should acknowledge that we would expect-in relation to the introduction of individual registration, because we know that the roll declines in accuracy over any time period-people who are on it and should not be to be coming off it; but equally, we would expect people who should be on it and are not to be added to it.

**Q135 Sheila Gilmore:** I think everybody accepts the individual voter registration in principle, but it does sound as if you need to put sufficient resource into that because-young people would be a good example-I suspect an overlap between the people in private rented accommodation who are not registered and young people, since there are far more young people in the private rental sector. So these things are reinforcing each other, but if there isn't the sort of effort you described-presumably going to young people in schools and colleges-is there not a greater risk that they simply don't register at all? Given the difficulty we had with things like identifying individuals for the community charge many years ago, that could make things worse if the resource does not go into it.

**Jenny Watson:** Well, this may be another area where we want to come back to the Committee as things move forward, because we will obviously have things to say about the introduction of individual electoral registration as it happens. When we are at the stage where we can offer more

commentary on the impact that it is having, then why don't we come back to you and talk to you about that at that time? I am loth to speculate about a situation that we are not quite at.

**Q136 Chair:** That sounds good. Are you collating responses from Electoral Registration Officers locally on the impact of in-year expenditure reductions? This, I understand, is not ring-fenced or mandatory expenditure. Therefore, it is probably on the list of in-year reductions this year, let alone what happens later on in the year.

**Andrew Scallan:** We are collecting it in-year. We collected it at the end of the financial year. Local authorities are always a year in arrears-in July this year, we were collecting the figures for the last financial year-which means that there will always be a time lag, unfortunately. We will, however, be collecting information, and as I have said, we now have two years-worth of information, so we can start making comparisons.

**Chair:** I think you misunderstood my question.

**Peter Wardle:** Can I just add to that? As Andrew says, we have an annual monitoring process that kicked off only a couple of years ago, but we are starting to get the information from which we will be able to monitor the overall trend. However, given the closeness of our contacts with local authorities up and down the country, I am quite sure that if serious funding issues emerge in year, this year, with electoral registration services, we will hear about it quickly. We will be in a position to bring that to the commission's board, and it can consider whether it wants to make an intervention. We are not hearing that at the moment. Clearly-and your question reflects this, Mr Allen-there is some nervousness around the local authority electoral community. I cannot sit here today, however, and tell you that, a few weeks away from the expected date of some of the announcements, people are telling us that they have serious, concrete concerns about that this year.

**Q137 Chair:** I am sorry-are they, or are they not?

**Peter Wardle:** They are not at this stage.

**Q138 Chair:** Okay. I think the Committee would like to hear from you or your board, Ms Watson, because we are looking at individual registration, the registration of people for referendums, participation rates, changes in boundaries, and whether adequate numbers of people are represented in whatever those areas will be. Those matters are all dependent on activism, or they will vary depending on the activism that electoral registration officers can bring to bear. We would like to know whether there are sensible trends that you can detect and bring to the attention of the Committee.

**Jenny Watson:** We would be very happy to do that. Perhaps the best thing would be for us to speak to your Committee Clerk and see what kind of mechanism we could use.

**Chair:** Even if it were a note, we could ask you to come back.

**Jenny Watson:** I should reassure you that, if we were to find such a trend, we would want to raise it through appropriate channels with the local authorities that are concerned, as well as more broadly. It would not only be with this Committee. If we spotted such a trend, we would raise it in any case.

**Chair:** Sir Peter and Nick Boles have been very patient, so I will go to them. If I have time at the end, I will come back to colleagues who are waving at me.

**Q139 Sir Peter Soulsby:** I want to return to the referendum, and check that I had correctly understood the main thrust of your evidence. In response to the questions that Eleanor pursued earlier, am I right in understanding that, although you say it can be done in terms of delivering a referendum at the beginning of May—that would no longer be the case were there to be significant changes after the beginning of November?

**Jenny Watson:** Without knowing what those significant changes might be, I would not want to be led to an answer that then hangs around our neck, and may not be truthful. I cannot pretend that it would be easy if there were significant changes and in such a situation, as I have said, we would have to take a view at that time.

**Q140 Sir Peter Soulsby:** But I think that, in giving that answer, you are acknowledging that there could be significant changes after the beginning of November that would make it undeliverable at the beginning of May.

**Jenny Watson:** And if we found ourselves in that position, we would say so.

**Q141 Sir Peter Soulsby:** That is a yes, is it not?

**Jenny Watson:** If we found ourselves in that position, we would say so.

**Q142 Sir Peter Soulsby:** That is a yes.

Given that uncertainty and the complications that have been evident from what you have said today and what you have already said in writing, it would surely be better if there were more time. Do you agree?

**Jenny Watson:** In the statement that we put out, when the proposed date that has been put to Parliament was announced, we acknowledged that the timetable is tight. I acknowledge that now. The timetable is tight. There are risks in the proposal. We think those can be mitigated; nevertheless, we're going to want to keep on coming back to Parliament with our views at every stage. So it may well be that we would know before that point whether we felt the thing was inherently not possible, in which case, we would say so. But I am confident that we can get the changes that we need to see in order to allow us to deliver on 5 May.

**Q143 Sir Peter Soulsby:** Even having acknowledged, as you did, that there could be changes that take place at the beginning of November that make it undeliverable?

**Jenny Watson:** I can't speculate—

**Q144 Sir Peter Soulsby:** Surely, self-evidently, it follows from that that would be better if there was more certainty and therefore more time?

**Jenny Watson:** The timetable is tight, but it is deliverable. That's all I can tell you.

**Q145 Sir Peter Soulsby:** It's only deliverable if Parliament delivers what the Government want, in time for you to ensure that the preparations are made. If Parliament were not to be so compliant, it would become undeliverable.

**Jenny Watson:** You've talked to us about the process of the Bill through the House, and it is indeed possible that when it comes back to its next stage, Parliament may put amendments—your colleagues

have indicated that that may well be the case. I am simply saying to you that we need the rules to be clear six months in advance to give us the certainty of planning. If that were not to be the case, we would have to take a view at that time. Yes, the timetable is tight. We've said it publicly, and we've heard all of you say it here today. We're in agreement on the fact that the timetable is tight.

**Q146 Sir Peter Soulsby:** Right. Coming back to the advantages and disadvantages of holding a referendum on the same day as these other elections, I think the main thrust of your argument for its becoming acceptable is that the alternative was the potential for voter fatigue. Am I right in understanding that?

**Jenny Watson:** No, there would be a number of reasons for thinking that there could be benefits. One would be the experience of voters and that they would not perhaps be asked to go so much to separate polls, but there could also be benefits around efficiency. That is not our main concern because we think if you want to have democratic participation you have to be prepared to pay the price for that. But you can see that there are arguments around efficiency that could be put.

Our main reason for accepting that the combination is possible is that there is no evidence to suggest that keeping it separate on this occasion is necessarily in principle the thing that you should do. That takes us back to the question that Mrs Laing was asking right at the beginning, about the commission's position being an "in principle" one previously, whereas now we look at each situation on its own individual merits. In this case, we think it can be done.

**Q147 Sir Peter Soulsby:** Let me suggest to you lots of things that are obviously potential complications of holding them on the same day. Let's talk about the design of postal ballots. It is my experience that local Voter Registration Officers have very different formats for which envelope goes inside which envelope. It is all within the rules, but they have a degree of discretion. How on earth are you going to get them all to produce something in the same format, so that it is compatible with what will be nationally produced?

**Jenny Watson:** And that's the point that we were making earlier on two fronts. The first is the point about combination, and the other is the point about the voter-facing materials. In a referendum, there is central administration; in elections, usually, there is not. If we have, through the legislation, this combination mechanism that we have said we need in order to run this successfully, we will be able to say to the staff working in local authorities around the country, who will be the Counting Officers, "This is what the material will need to look like."

**Q148 Sir Peter Soulsby:** So they will be obliged to produce something that is compatible in detail? This would be completely new for them, would it not? They would be obliged to produce something that is entirely compatible with what you're producing nationally.

**Jenny Watson:** Yes, we would aim to offer them a template. That is why I wanted Peter to explain earlier the process that we're in now with the Regional Counting Officers, who will be part of the management mechanism, if you like, for delivering on the referendum, because that is precisely the process that we're working through. Peter, I don't know if there is anything else you want to add in the light of Sir Peter's question.

**Peter Wardle:** Not particularly. I think that's a very good example of exactly the sort of thing that we want to talk to Regional Counting Officers about. We have had the first meeting of the steering group, which I am chairing on behalf of the Chief Counting Officer, and the potential likely Regional Counting Officers up and down the UK. I think it fair to say that they would agree with us that it makes sense—partly because of the short timetable and all the issues we've talked about

already-for the Chief Counting Officer to be as clear as possible about how to achieve the results we want on a national scale. The purpose of having that steering group, in having representation from across the UK, is to identify where there may be a need to depart from that general approach.

The general approach will be for the Chief Counting Officer to instruct people. It is particularly about the experience that the voter has in the polling station or with the postal voting ballot packs. We will draw on research and expertise, look at best practice up and down the country and make sure that that is followed by all, rather than having the situation described earlier where people are left sometimes floundering trying to decide what's going to work in their local area. We are going to give them some very strong advice on what we think they should do.

**Q149 Sir Peter Soulsby:** That will require, will it not, very considerable work and undoubtedly very considerable cost in preparing this national template to replace the existing local templates?

**Peter Wardle:** I don't think it necessarily requires a great deal of cost. People prepare their postal ballot stationery fresh for each election. There are lots of changes that need to be made for each election and they don't have a stock of these things that they recycle. We have plenty of experience of what works and plenty of knowledge of what the best practice is around the country. We will simply mandate that best practice. I don't think it will add to the costs in any significant way.

**Jenny Watson:** On your point about the work, we have been preparing for a referendum for some considerable time. Let's be honest-when we started to prepare it, we were preparing for something in Wales. We are now preparing for something, if Parliament votes for it, on a UK basis. So all of this is something that we've been thinking about every day for about the last year and a half-that's just how it is from our perspective; we are thinking about this constantly-and, obviously, people around the country in local authorities will have been thinking about the elections taking place throughout the UK next May. So in terms of the work, it is doable.

**Q150 Sir Peter Soulsby:** I have to say, in the light of what you said to us, I am very surprised at your unwillingness explicitly to acknowledge that it would be better if we had more time and if the referendum were separated from the elections. Why won't you acknowledge that?

**Jenny Watson:** On the question of combination, we have taken a view that it is possible to combine the two, so I don't think we do necessarily accept that it would be better to separate the two. I accept that there are strong views around the table, but the position that we've taken is that it is possible to combine them and that there may be benefits for voters in doing that. One of those benefits-but it is only one-is to avoid asking them to go back to the polls repeatedly. On the timing point, we are working to the time that we have. That is what we are trying to deliver.

**Q151 Sir Peter Soulsby:** To pick up the detail of what you said there, I cannot understand the reluctance to ask people to go to the polls repeatedly. Say it was in October next year-that's hardly going to lead to voter fatigue or any particular problem, is it?

**Jenny Watson:** We took the view that combining was completely possible and that there were benefits for voters in so doing. If you think about the number of elections and the potential referendum in Wales, it may well be the case that voters in Wales would have been asked to go to the polls three times in six months. That is not something that we know is welcome.

**Sir Peter Soulsby:** I am going to leave it here, except to remark that you seem remarkably reluctant to acknowledge the implications of the evidence that you have given to us, which is that it would be

better if this were later, if we had more time to prepare and if the two sets of elections—the referendum and the election—were separated.

**Chair:** I think everyone has now got their view on the record several times.

**Q152 Nick Boles:** Unlike Sir Peter, who seems to want to bludgeon you until you state his view rather than your view, I should like to ask you a question on a completely different matter, which is that we are also considering in this House a Bill on fixed-term Parliaments with the proposal for the next general election to be fixed on a Thursday in May. I cannot remember the exact date.

**Mrs Laing:** I think it is 7 May.

**Nick Boles:** So, 7 May 2015. This may be a subject for another day but I just wondered whether you had a view, as the Electoral Commission, about the day of the week on which elections should fall and whether it would not be better for turnout and participation if we had elections on weekends.

**Jenny Watson:** One of the things that we have said, and we said it in our report on the general election that has just happened, is that we think there would be merit to introducing advance voting, where you would give people the ability to come to the poll perhaps up to a week in advance of polling day itself within a local area. That would make voting more accessible to people who may have busier lives than we perhaps used to have in the past, longer commuting distances and that sort of thing. That is something that we would certainly want to push or suggest to Parliament that it might want to think about, if not in relation to this Bill, then in relation to future Bills. Does somebody want to pick up the point about weekend voting?

**Andrew Scallan:** There is no confirmed evidence that weekend voting will increase turnout. The last Government had a consultation paper on weekend voting, which we submitted a response to. Our comment then was that it was about making the system more accessible. The advance voting which Jenny referred to is a system that will allow people who don't want to use a postal vote, for example, and who can't get to a polling station on a Thursday to have access to a polling arrangement in the traditional method on a number of days before polling day itself, including the weekend.

**Q153 Nick Boles:** Can I follow up on the precise proposal? Presumably you would not have every polling station open, in view of the cost of manning that. Would you have a central access point?

**Andrew Scallan:** Or more than one based in each constituency. There is any number of models that might be looked at.

**Q154 Nick Boles:** But you studied the evidence from other countries that hold elections on weekends and found no significant effect just on that change.

**Andrew Scallan:** No, not on that change. There are clearly other issues as well such as cost, disruption and the acceptability of certain days of the weekend to the electorate.

**Jenny Watson:** That would give people who wanted to vote at the weekend the opportunity to do so, but it would give those for whom it's more convenient to vote in the week the opportunity to do so, too. So that is the preferred proposal.

**Q155 Nick Boles:** While I am sure that you are not necessarily legislative experts, would the introduction of that advance voting require an amendment specifically to legislation which, if we think it is a good idea, we should suggest in the process of taking the Bill for fixed-term Parliaments through Parliament, or is it an administrative change?

**Andrew Scallan:** It is a legislative change.

**Q156 Chair:** I will come to Andrew, but I just wanted to open up a different area of questioning about campaign expenditure rules, particularly in terms of the role of the media. As the rules are currently written, media organisations are not exempt from the campaign spending restrictions on the referendum. Unless the rules are amended-I think you may have made this point yourself in evidence-we will find ourselves in a position where newspapers will have to register as participants in order to take a position on the referendum. Some people may think that that is a very good thing. Others may feel that it will just hamstring the newspapers from stating points of view editorially. Are you of the opinion that this is something that, even though the Bill is now in the House, still requires amendment?

**Jenny Watson:** There does appear to be an ambiguity, but I'll let Lisa pick that up.

**Lisa Klein:** We did raise this in our House of Lords evidence last year. Without wanting to engage in the debate on the pros and cons of this applying to the media, there is the whole concept of the media and the free coverage and freedom of speech in terms of the presentation and the ability to help communicate to voters on that. To the extent that there is an ambiguity in the legislation, I should just mention that the media are exempt from the expenditure limitation for elections. It would seem appropriate to make it very clear in an amendment that they are completely exempt in the context of a referendum.

**Q157 Chair:** So in order to bring that into order or conformity, there has to be an amendment to the Bill as currently drafted.

**Lisa Klein:** I think there is a variation in a debate about whether they are absolutely excluded or there is an ambiguity about it. All I would say, to the extent that there is an ambiguity, is, let's get it cleared up, let's make it quite clear that they are exempt.

**Q158 Chair:** Each side in the referendum will be constituted and have a lead campaign group. First, how are you going to identify that group? And, how are you going to get round the likely prospect that individual political parties will be taking different views on the referendum? If there are splits within parties, how do you take that into account?

**Lisa Klein:** Two very good questions. If I step back just for a moment, the legislation makes it very clear that the Commission has a duty to consider the appointment of a designated lead organisation- in our vernacular, a designated organisation to lead in the campaign on each side.

What the statute also states very clearly is that if there is only one organisation that presents itself, then, unless the Commission finds that it would not adequately represent the views of that side of the campaign for which it has put itself forward, it shall be appointed. In the context of more than one entity coming forward, we have to decide which would best represent-I paraphrase here-the views for that particular side. We have developed a process for how that will happen, which has been partly modified based on the learning from the North East referendum.

There is a three-stage process. First, there is a fairly targeted application form, and we will seek evidence to help us to be able to assess that. I should also mention that, while the statute is very clear about our obligation to consider and possibly appoint, it does not say how we are to appoint. So, we have come up with criteria that look at such things as the organisation's grass-roots campaigning or anything, basically, that will let us see whether it can fulfil that role effectively- whether it is an umbrella organisation, and so on.

There will be an application process. We will first question whether we have adequate information to see if an applicant will represent the views as required under the legislation. If there is not sufficient evidence, we intend to have time to go back to ask those questions, possibly through interview. We will then consider each application on its own merits, without reference to the other applications, just to ensure that they meet the first threshold test. Finally, we will have to decide, if more than one meets the "adequately representing" test, which is the most effective. Two other points. If we appoint on one side, we have to appoint on the other, or we don't appoint at all. Those are the rules of the game.

With regard to political parties, you have to view that designation process alongside the point that to be a designated organisation you have first to register with us what is called a permitted participant. To be a participant, you have to be able to declare which side of the referendum you are campaigning for. Therefore, if a political party is unable to make that representation, it would not qualify as a permitted participant and, hence, would not be eligible to be a designated organisation. The consequence of that is that the spending ceiling would be set at £10,000.

**Q159 Chair:** Currently a newspaper would fall into the category too.

*Lisa Klein:* If you take the ambiguity in that way, yes.

**Q160 Chair:** How long will this process take from start to finish?

*Lisa Klein:* The legislation provides for designated organisations to apply to us over a 28-day period and for us to make that decision within 14 days thereafter.

**Q161 Chair:** If we don't correct the anomaly about the newspapers, presumably they will be prosecuted for prejudicing the referendum by expressing a view.

*Lisa Klein:* That is a possibility. If there were a breach of the rules, we could refer to the police or the prosecuting authority, or they may choose to pick it up on their own.

**Q162 Chair:** The process will start when?

*Lisa Klein:* It starts on Royal Assent.

*Peter Wardle:* Just to be clear, the potential offence would be to do with how much money is spent. The law does not seem to govern whether or not people express a view. It seems to govern how much money they spend in expressing that view.

**Q163 Mr Turner:** I have been thinking about the rules for what the date is. It seems that you are in the worst possible position. What we like is decisions to be made before things become controversial, and what you seem to be doing is putting off making them until you almost have the referendum rules in front of you. You are then suggesting what? Can you give me-not today, but

some day in the future-some examples of which referendums it is okay to coincide with the elections, and which are not.

**Jenny Watson:** I think that there were two questions there. Your first point was that you like to know things, but that you do not want us to put off making decisions. We have no wish to put off making decisions. That is why we have started with a network of Regional Counting Officers, to start to work through and make some of those decisions. As we do, we will make them public. We have a seminar for parliamentarians on the same day as the next stage of Bill, I think, when we will be able to say more about the work that we have been doing up until this point. It may be that we can then provide some more examples of decisions that we are minded to make.

As for your point about the kind of referendums that it is appropriate to combine and the kind that it is not, that would be very hard to do, for the simple reason that our position is that we consider each proposal that is put to us on its merits. There will undoubtedly be times when we would say, "This is not a suitable combination", but there will be other times, as with this, where we say, "It's tight, but it can be done and there are benefits." Until those circumstances arise, I would not want us to be giving views when we do not have the full context.

**Q164 Mr Turner:** I understand that, but the problem from most people's point of view is that once we know a referendum is coming up, you are in a terrible situation where you are pushed in one direction, we are pushing in the other-probably the same position, sometimes different. It would be much easier and straightforward if there were rules beforehand, which would then apply. I understand why you don't wish to make the decision, but I think that it would be very helpful if we could see the decision before referendums.

**Jenny Watson:** The House of Lords Constitution Committee recently considered the issue of referendums. One of the things we said to it was that it is for Parliament to decide when a referendum is used. There may be an area of the debate that is similar to the line you would wish members of the Committee to pursue. We would be happy to come and give evidence to such a debate, but the reason why I said at the beginning that we do not take a view on when referendums should be used in the sense of on what subjects one should hold a referendum is that we consider those questions to be for Parliament, not for the Electoral Commission. You might want to take that view, and we can probably help with some of the administrative implications of that, but I would not want to stand in Parliament's shoes in making that decision.

**Q165 Mrs Laing:** Turning more generally to the lessons learned from the 2010 general election, colleagues around the table might not know, but everyone from the Electoral Commission knows, of the difficulties we had before the general election about the counting of votes-the timing of the count, at which point we discovered that returning officers are effectively responsible to no one. It was most unfair on the night of the election that the Electoral Commission-well, I would suggest, Chair, that it was most unfair-appeared to take the blame for mistakes that were made by individual returning officers. Would you welcome a radical review of the way in which elections are administered, looking at the powers of returning officers and continuity throughout the country?

**Jenny Watson:** In our two reports on the conduct of the election itself, we suggested that the time has indeed come-we have said it before-for a review on how elections are run, particularly in relation to the extent of co-ordination that exists and the need for a power of direction somewhere in the system in relation both to registration officers and to returning officers. That report is with Government and I understand they have committed to responding within six months of receiving it. I look forward to their response.

**Q166 Mr Chope:** Can I ask: which is worse, voter fatigue or voter confusion?

**Jenny Watson:** I don't think either is desirable. I think voter confusion can be mitigated to a great extent by public information and awareness. We will be working extremely hard to make sure that there is not voter confusion should Parliament decide that it wants this referendum to go ahead.

**Q167 Mr Chope:** Where is the evidence about voter fatigue? We are familiar with what happens in France, where in significant elections they have one round of balloting, then have a run-off the following weekend. Is there any evidence to suggest that that type of election process results in voter fatigue?

**Jenny Watson:** I think we've already said that the evidence that we looked at is public, so we will perhaps make sure that you have that, then you can make your own judgment on that.

**Chair:** Ms Watson, thank you very much. I think you run an organisation which could have an excellent long-term relationship with this Select Committee at a number of levels. The most obvious one to me is that, where we are in the middle of a parliamentary process and amendments are appropriate to the process-on a technical basis, certainly-we would like to know about those things. We would like to be able to assist, if the Committee agrees on particular issues, to help you ensure that people have greater access to our democracy. I am sure there are also much more policy-orientated issues so that, if it is indeed a fixed-term Parliament, we should hopefully enjoy a very positive relationship over the next four or five years. Thank you to you and your colleagues for a long and gruelling session, which I think has been very productive-hopefully from your point of view, too.

**Jenny Watson:** Thank you very much for the opportunity to talk to you. We welcome future opportunities to do so.

**Chair:** Excellent. Thank you very much.