

The United Kingdom: Electoral Modernization

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Elections in the United Kingdom (UK) have historically been managed through the Governmental Model, by returning officers appointed by local authorities. Although a UK-wide Electoral Commission was established in 2000, it has not taken on responsibility for the management of elections. Although this commission therefore does not fall within the definition of an EMB (at least for elections), its role as an electoral ‘watchdog’ has provided much-needed impetus to reform and modernization of the electoral legislation and arrangements within the UK.

The commission’s responsibilities include:

- registering political parties;
- monitoring and publishing significant donations to parties;
- regulating spending by parties on election campaigns;
- writing reports on the conduct of elections and referendums;
- reviewing electoral law and procedures;
- advising the government on changes;
- advising those involved on the conduct of elections and referendums;
- promoting public awareness of electoral systems; and
- reviewing electoral boundaries.

In addition, the commission appoints the chief counting officer for UK-wide and regional referendums – which means that, for referendums, it acts as an EMB under the Independent Model.

To a great extent, elections in the UK are run with little modification to legislation introduced during the 19th century, including the creation of an electoral register, the introduction of the secret ballot and the introduction of limits on election expenditure. Indeed, the Electoral Commission itself has commented that a voter at the beginning of the 21st century would not have a significantly different experience from that of a voter at the beginning of the 20th century. However, there are indications that things are beginning to change. Recent pilots of new voting methods are indicative of attempts to ensure that the voting system is accessible to the needs of modern voters.

The Legislative Framework

The Electoral Commission was established under the Political Parties, Elections and Referendums Act 2000 (PPERA). The act outlines the structure of the commission and empowers it to undertake its key statutory functions. It also empowers the commission to prescribe regulations (secondary legislation) in relation to areas in which it has direct responsibilities, such as the information which political parties and other organizations are required to submit to it when applying for registration or reporting.

Institutional Structure

The Electoral Commission has five commissioners and four deputy commissioners. The commission chair serves full-time, other commissioners part-time. The commissioners are responsible for taking strategic decisions about the direction of the commission. In operational terms, the commission is managed by a chief executive, supported by a team of senior managers and over 100 staff. The vast majority of staff are based in the commission's London office, with smaller offices also located in Belfast, Cardiff and Edinburgh.

Powers and Functions

The commission has a number of key functions. These are:

- to regulate the financing of political parties;
- to promote awareness of democratic and electoral systems;
- to report on UK elections and electoral pilot schemes;
- to review electoral laws;
- to provide advice and assistance to electoral administrators; and
- to appoint a chief counting officer to manage regional and UK-wide referendums (this role automatically falls to the commission's chairman unless he appoints another individual).

In addition, the commission is progressively taking over the responsibility for the delimitation of electoral boundaries, a process which started in 2002 when it assumed responsibility for the review of local government boundaries in England.

The commission undertakes its responsibility to promote awareness of democratic and electoral systems in a number of ways. It carries out general research into people's views of and level of knowledge about democratic and electoral systems, and conducts specific research into levels of engagement among specific sections of society. This research is used to inform a series of campaigns encouraging people to register to vote and to vote at elections and referendums. The commission has an outreach programme that aims to promote awareness of and interest in democratic and electoral systems among young people aged 16–24, targeting principally young people outside formal education. In addition, the commission has established a partnership grant fund to support organizations with innovative schemes to raise awareness.

Financing

The commission is funded directly by Parliament and planned an annual budget of about 35 million euros (EUR) for the year 2005/2006. It is required to submit to the Speaker's Committee (a committee of nine MPs chaired by the speaker of the House of Commons) an annual budget which the committee may modify, before the final request for funding is put to the House of Commons for approval. Funds are released to the commission from the Treasury on a monthly basis in accordance with the commission's monthly cash forecasting. The commission is subject to the same accounting controls as other public departments and bodies and is audited by the National Audit Office.

Accountability

The commission is directly accountable to Parliament and not to the government. It submits a draft corporate plan each year to the Speaker's Committee. The commission's annual report must also be approved for publication by the Speaker's Committee. Most of the commission's work is intended for a general public audience, but in relation to some specific statutory functions the commission is responsible for submitting reports to the relevant secretary of state; for example, reviews of electoral law are submitted to the secretary of state at the Department for Constitutional Affairs.

Professionalization

Many commission staff are former election practitioners and members of the Association of Election Administrators (AEA), the professional body for electoral staff. In addition, staff have relevant professional expertise; for example, many of the staff regulating party financing have accounting or auditing backgrounds. The commission has a generous training budget for the professional development of its staff.

Relations with the Media and Other Institutions and Agencies

Although the commission's Communications Directorate deals with press enquiries and works with the media, the commission has no power to regulate the media during the campaign or in any other period. Requirements on access to the broadcast media by political parties are laid down in the broadcasting legislation. However, broadcasters are required to seek and have regard to the commission's views when framing rules for party broadcasts.

The PPERA establishes a Parliamentary Parties Panel consisting of representatives of those parties with two or more members of Parliament, and the commission is required to consider any representations made by this panel; there is therefore ongoing contact between the commission and political parties. Since the commission must be consulted on changes to electoral law, commission staff also work closely with officials in relevant government departments.

The commission has worked on a number of joint projects with NGOs with an interest in electoral and democratic systems and participation. Finally, although it is a relatively young organization, the commission has started to building up links with other EMBs and related international organizations.

Electoral Reform Management

The commission has no power to draft electoral law, but the government is under a statutory obligation to consult it on proposed changes to certain aspects of electoral law. Typically, commission officials work closely with government officials in the early stages of drafting legislation, and the commission submits a formal response once the draft legislation is completed.

The commission is required by law to keep a number of issues under review, including matters relating to elections, referendums, the registration and financing of political parties, and political advertising. Legislative recommendations arising from the commission's reviews will only be enacted if they are adopted by Parliament, a process which will rarely happen without the support of the government. A number of recommendations made by the commission have led to government draft legislation for electoral change. However, there is no requirement for the government to support or progress the commission's proposals, and a major recommendation to change the system of voter registration, from a household to an individual basis, was rejected by the government.

Although relatively new, the Electoral Commission is increasingly well established within the democratic system in the UK. However, its work is subject to the constraint that its annual budget must be approved by the Speaker's Committee. It is possible that the committee may in future refuse to authorize part of a budget proposal, in which case the work plan of the commission would be limited by the level of funding that it actually receives.

There are clear constraints that limit the commission's ability to effect change, notably the fact that it is unable to enact its own recommendations. However, the creation of the commission has undoubtedly provided a catalyst for driving forward an agenda of electoral modernization within the UK. In addition, the commission has also provided a much-needed source of advice and assistance to electoral administrators, parties and members of the public. This highlights the capacity of the commission to strengthen the democratic process in the UK, as the commission's web site (<<http://www.electoralcommission.org.uk>>) shows.