

POLITICAL PARTIES, ELECTIONS AND REFERENDUMS ACT 2000



THE SPEAKER'S COMMITTEE ON THE ELECTORAL COMMISSION

THIRD REPORT 2012

Re-appointment of Electoral Commissioners

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The Speaker's Committee

The Speaker's Committee is appointed in accordance with the provisions of section 2 of the Political Parties, Elections and Referendums Act 2000 to perform the functions conferred on it by that Act.

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Previous Reports

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Third Report 2009 was published in January 2010 as House of Commons Paper No. 205 of Session 2009–10
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Second Report 2011 was published in September 2011 as House of Commons Paper No. 1478 of Session 2010–12
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Contents

Report	<i>Page</i>
Speaker's Committee Third Report 2012	2
Rt. Hon. George Reid	2
John McCormick	3
Statutory consultation	4
Appendix: Responses to statutory consultation with the party leaders	5

Speaker's Committee Third Report 2012

1. The Political Parties, Elections and Referendums Act 2000, as amended by the Political Parties and Elections Act 2009, provides for the Electoral Commission to have nine or ten Commissioners.¹ The Commission comprises:

- up to six 'ordinary' Commissioners who are subject to restrictions on political activity and who are recruited by competition, under a procedure put in place and overseen by the Speaker's Committee; and
- four 'nominated' commissioners, who are persons put forward by the registered leader of a qualifying party for consideration for appointment.²

Three of the four nominated Commissioners are drawn from nominations put forward by the registered leader of one of the three largest nominating parties at Westminster; no two or more nominated Commissioners may be drawn from the same party. Thus, the selection of the fourth nominated Commissioner is determined by competition (if necessary) between candidates put forward by the smaller Westminster parties. The presence of nominated Commissioners on the Commission is designed to ensure that the organisation is able to draw upon practical experience from across the political spectrum. A nominated Commissioner may not be chairman of the Commission.

2. The current term of office of Rt. Hon. George Reid, who was appointed following the consideration of nominations from the smaller Westminster parties, expires on 30 September 2012.

3. The current term of office of John McCormick, an 'ordinary' Commissioner who carries particular responsibility for Scotland, expires on 30 December 2012.

4. The Speaker's Committee on the Electoral Commission is required by s3 of the Political Parties, Elections and Referendums Act 2000, as amended by the Political Parties and Elections Act 2009, to oversee the procedure for selecting candidates for appointment to the Electoral Commission. Under s3(5A) of the Act, this duty encompasses the recommendation of candidates for re-appointment to the Electoral Commission.³ There is, however, no presumption in the statute either for or against re-appointment.

Rt. Hon. George Reid

5. The Speaker wrote to the leaders of each of the relevant parties on 17 January, inviting nominations for the post currently held by Rt. Hon. George Reid. Mr Reid was appointed in 2010 for a two-year term of office: the Committee in the last Parliament had decided that the Commissioner for the smaller parties should serve a two-year, rather than the

¹ s1(3) of the 2000 Act as amended by s6 of the Political Parties and Elections Act 2009

² A qualifying party is a party with two or more Members of the House of Commons at the time of the person's appointment

³ s3 of the 2000 Act, as amended by the Political Parties and Elections Act 2009

standard four-year, term so that more frequent opportunities to submit nominations might enable rotation of the post if the parties so desired.

6. The letter of 17 January confirmed that it would be permissible for parties to nominate Mr Reid for a second term of office, if so desired; but, since there was no presumption in the Act either for or against re-appointment, any such nomination would be considered on an equal footing with the merits of other nominations received.

7. At the close of the nomination period on 20 February the only nomination received by the Speaker had been from Ieuan Wyn Jones AM, then leader of Plaid Cymru, for the re-nomination of Mr Reid.

8. Following the request for Mr Reid's re-appointment, the Committee sought an appraisal by the Chair of the Electoral Commission of Mr Reid's effectiveness as a Commissioner to date. Jenny Watson wrote to the Committee that Mr Reid's long experience as an MP, MSP and as Presiding Officer of the Scottish Parliament had contributed to his widely-recognised ability to forge effective relationships across and between different parties, including in communities with past experience of sectarian politics. Mr Reid had a keen understanding of politics generally and devolved politics in particular, and was well connected with the Scottish Parliament, the Northern Ireland Assembly and the National Assembly for Wales. She thought that, in view of the Silk Commission and the proposed referendum in Scotland, Mr Reid's contribution could prove invaluable over the coming years.

9. Ms Watson also advised that Rt. Hon. George Reid had served effectively on the Commission's Audit Committee, having made a particularly important contribution to its work on risk management, and had also provided considerable formal and informal support to the Commission and its staff on wider matters including communications.

10. The Committee considered Ms Watson's report at its meeting on 27 March and agreed that Mr Reid should be recommended for re-appointment, subject to the outcome of the required statutory consultation with party leaders.

John McCormick

11. John McCormick has served as the 'ordinary' Commissioner with responsibility for Scotland since 19 January 2008. At its meeting on 7 March, the Committee considered a written request from the Chair of the Electoral Commission seeking Mr McCormick's re-appointment for a second term, from 1 January 2013 to 31 December 2016.

12. In considering the question the Committee had regard to the report on Mr McCormick's effectiveness submitted by the Chair of the Electoral Commission. The Electoral Commission is not required by statute to appoint Commissioners with responsibility for Northern Ireland, Scotland and Wales, but has made it its practice to do so. Jenny Watson wrote to the Committee that Mr McCormick, as the Commissioner with responsibility for Scotland, had brought to his work long experience of the Scottish media, a good knowledge of the Scottish political scene, and an enduring ability to bring a fresh, critical and articulate challenge to many issues. She noted that Mr McCormick had helped to consolidate the Commission's credibility in Scotland and was effective and trusted by stakeholders there.

13. The Committee also took account of contextual factors, namely the electoral cycle, the current political circumstances in Scotland and the need to secure continuity and effective succession planning at the Electoral Commission. Having considered these points, the Committee concluded that it was content to recommend Mr McCormick for re-appointment.

Statutory consultation

14. Section 3(2)(b) of the Political Parties, Elections and Referendums Act 2000, as amended, also requires that the proposal to appoint (or re-appoint) a member of the Electoral Commission be the subject of consultation with the registered leader of each registered party to which two or more Members of the House of Commons then belong. The Speaker accordingly wrote to the leaders of the qualifying parties on 28 March 2012, providing an opportunity for comment by 23 April. Those leaders who responded were content with the proposed recommendations for re-appointment. The responses received, including one received after 23 April, are reproduced in the appendix.

15. Appointments to the Electoral Commission are made by Her Majesty on an Address from the House of Commons.⁴ The Committee commends the re-appointment both of Rt. Hon. George Reid and of John McCormick to the House.

⁴ s3(1) of the Political Parties, Elections and Referendums Act 2000

Appendix: Responses to statutory consultation with the party leaders

- a) From Rt. Hon. David Cameron MP, leader of the Conservative Party

Thank you for your letter of 28 March, regarding the re-appointment of the Rt. Hon. George Reid and Mr John McCormick as Commissioners on the Board of the Electoral Commission, as provided for in the Political Parties, Elections and Referendums Act 2000.

I am content for a motion to be made in the House of Commons to the effect that an Address be presented to Her Majesty the Queen seeking the re-appointment of George Reid as a nominated Electoral Commissioner and the re-appointment of John McCormick as an Electoral Commissioner.

These are, of course, both re-appointments and, in the case of George Reid, a party-nominated role. However, as I set out in my letter to you of 22 August 2011, should other positions become available for Electoral Commissioners in the future, I would like to see more open competition with the aim of appointing individuals to the Commission who have experience outside the public sector and non-departmental public bodies.

3 April 2012

- b) From Rt. Hon. Nick Clegg MP, leader of the Liberal Democrats

Thank you for your recent letter regarding the appointment of Electoral Commissioners under section 3(2)(b) of PPERA.

I am happy to support you and your Committee's recommendation that John McCormick be re-appointed for a further 4 year term as Electoral Commissioner from January 1st 2013. I am also happy to support the re-appointment of Rt. Hon. George Reid for a further 2 year term as an Electoral Commissioner from October 1st 2012.

I look forward to supporting the motion along with my colleagues when you bring it forward in the House of Commons in due course.

16 April 2012

- c) From Angus Robertson MP, Westminster SNP leader, to the Speaker's Secretary

Please could you let Mr Speaker know that SNP leader Alex Salmond MSP PC has asked me to reply to his letter of 28th March 2012 relating to the nominated Electoral Commissioner for the 'smaller parties' at Westminster.

Mr Salmond and the SNP would be delighted that George Reid would be able to continue in post until September 2014.

My apologies in my delayed response, but I was liaising with the DUP to establish they are content for the extension to George Reid's period in office.

We also note the intention to re-appoint John McCormick as the Electoral Commissioner with responsibility for Scotland until 2016, which we also welcome.

30 April 2012