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Terms of Reference - Electoral Commission 2022



ELECTORAL COMMISSION

TERMS OF REFERENCE

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1. PURPOSE

The purpose of the Electoral Commission is to review the number and boundaries of constituencies and issue a report to Tynwald no later than 18 months after its appointment, as mandated in the Elections (Keys and Local Authorities) Act 2020. The Electoral Commission must also issue such other reports to Tynwald as a resolution of Tynwald directs or at such times as the Commission may consider to be appropriate (Please see Appendix 1 – 2022 Remit of the Electoral Commission.)

2. CONSTITUTION

The Governor in Council must appoint a body, to be known as the Electoral Commission, within 12 months of the national election of 2021 and every second national election thereafter.

The Governor in Council may appoint an Electoral Commission at any other time if a resolution of Tynwald so directs.

3. MEMBERSHIP

- 3.1 A person who is or has been a member of the Keys or the Council is ineligible to be appointed to the Electoral Commission.
- 3.2 Electoral Commission members will be appointed by the Governor in Council. Persons of integrity who are willing to play an active role as a member of the Electoral Commission are eligible to apply. No specific skills, experience or qualifications are required for membership of the Electoral Commission, however an awareness and understanding of the relevant legislation and the electoral process would be advantageous.
- 3.3 The Electoral Commission must consist of a person appointed to chair the Commission and at least three other members.

4. GOVERNANCE

4.1 Meetings

The Cabinet Office will provide the secretariat services for the Electoral Commission.

It will be a matter for the Electoral Commission itself to decide how many times and how frequently it meets. Meetings of the Commission will be scheduled when there is business to attend to or as required by the Chair.

The meetings shall be chaired by the Chair except where designated as a 'working group'

Where a Member is unable to attend they should submit apologies for absence to the secretariat in advance.

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For a meeting to be considered quorate a majority of members must be present which must include the Chair. A quorate majority is to be 3 out of 5 members present and can include members accessing the meeting virtually by remote means.

Where/if the Chair is unable to attend a meeting then there must be sufficient members to remain quorate. Members must agree a designated Chair for the purpose of that meeting.

Where meetings are unable to be held in person, the meetings can be conducted by means of virtual / remote / on-line access provided the meeting remains quorate and meets governance requirements.

4.2 Papers

Agendas are compiled by the secretariat with the approval of the Chair. A request for an item to be included on the agenda may be made by any member, in writing, to the secretariat. The agenda will, wherever possible, be distributed to members at least one week before each meeting. In normal circumstances late additions will not be accepted, in exceptional circumstances approval for late additions to be circulated must be obtained from the Chair otherwise items should be brought to the meeting and considered at the discretion of the Chair as an item under Any Other Business.

4.3 Confidentiality

All documentation issued in relation to the Commission including the Commission's terms of reference, proceedings and papers are subject to the same statutory confidentiality as applies to the meetings and proceedings of the Council of Ministers, and should be therefore treated accordingly.

Documents should not be circulated for wider distribution other than to nominated officers without the necessary permission which will be secured by the secretariat.

5. FINANCE AND AUTHORITIES

5.1 Remuneration of Electoral Commissioners

The Electoral Commissioners must be paid attendance allowances and travelling allowances in accordance with the Payment of Members' Expenses Act 1989.

5.2 Isle of Man Government Financial Regulations shall be adhered to. Particular emphasis is placed on the issuing of authorisation for expenditure and the provision of information to the Chief Secretary as designated Accounting Officer.

6. STATUTORY OBLIGATIONS

The Commission shall comply with all relevant statutory obligations and relevant legislation, seeking guidance in the exercise of its functions, as required.

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7. DISSOLUTION

The Electoral Commission is taken to have been dissolved following the issue of what it declares to be its final report to Tynwald, which report must be so issued no later than 18 months after the appointment of the Electoral Commission (unless this period is, where circumstances so warrant, extended by agreement between the Electoral Commission and Tynwald).

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Appendix 1 – 2022 Remit of the Electoral Commission

The Resolution

A resolution of Tynwald requires that in addition to reviewing the number and boundaries of constituencies (which will include the number of seats per constituency) the Electoral Commission must consider and produce a report to Tynwald on the following matters:

1. Accessibility of elections to voters;
2. The organisation of Pre-Election Meetings;
3. Postal voting procedures;
4. Proxy voting procedures;
5. Ability to vote at any polling station across a constituency;
6. The feasibility of setting up one or more "All Island" Polling stations;
7. Candidate campaign materials;

and in doing so shall have due regard to the Commonwealth Parliamentary Association Benchmarks for Democratic Legislatures and to the potential costs of its recommendations.

Points for consideration

As approved by a Resolution of Tynwald, the Electoral Commission will produce a report for Tynwald, no later than 18 months after appointment, detailing their findings as a result of the following considerations, which should not be considered to be exhaustive.

1. Review the number and boundaries of constituencies including the number of members per constituency, including but not limited to:
 - a) Size and population of constituencies – are current boundaries appropriate? Is representation fair and equitable?
 - b) Should population be the sole guide to constituencies and boundaries?
 - c) Should there be a change to the number of constituencies?
 - d) Are two seat constituencies working?
 - e) Would single seat constituencies work better than constituencies having two or more seats?
 - f) Could duplication of work be avoided in constituencies having two or more seats?
2. Accessibility of elections to voters, including but not limited to:
 - a) Review of the 2021 General Election and how well it complied with the Equality Act?
 - b) Should there be any mandatory venue attributes identified for future voting locations?
 - c) Are there any additional accessibility measures which should be incorporated into future election planning and administration?
3. The organisation of Pre-Election Meetings, including but not limited to:
 - a) Should Government be involved with/lead pre-election meetings?
 - b) Optimum number, frequency and timing of pre-election meetings?

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- c) Who should chair these meetings?
 - d) Where should these meetings take place (links with 2b to be considered)
4. Postal Voting procedure, including but not limited to:
- a) Was postal voting successful during 2021 General Election?
 - b) Is this facility necessary?
 - c) Could this process be improved?
 - d) Should postal votes be permitted to be counted prior to election date?
5. Proxy Voting procedure, including but not limited to:
- a) Was proxy voting successful during 2021 General Election?
 - b) Is this facility necessary?
 - c) Could this process be improved?
 - d) Should there be any change to the deadline to apply for proxy voting?
6. Ability to vote at any polling station across a constituency, including but not limited to:
- a) Was the pilot scheme in Douglas South successful?
 - b) Should the scheme be rolled out across all the constituencies?
 - c) Could the scheme be improved?
 - d) Should live activity data be made public so voters could view how busy each polling station is?
7. Feasibility of All-Island voting stations, including but not limited to:
- a) Should there be a facility for votes to be cast for any constituency in various locations around the island?
 - b) Would transferring ballot boxes around the island pose any significant risk to the integrity of the electoral process?
 - c) Would any of the other options considered above (points 5, 6 and 7) be preferable to all-island voting facilities?
8. Candidate Campaign Materials, including but not limited to:
- a) Could the authority to display campaign materials be streamlined?
 - b) Is there clear and appropriate guidance on campaign materials and their display on public land?
 - c) Is there consistent and effective enforcement of campaign material rules?