

The Electoral Commission

Ric Bailey
Chief Adviser, Politics
Editorial Policy and Standards
BBC
Room 4225 White City
201 Wood Lane
London W12 7TS

21 October 2010

Dear Ric

Thank you for your letter of 7 October 2010 regarding the BBC's proposed criteria for Party Election Broadcasts in the elections due in May 2011 and for Referendum Campaign Broadcasts.

The Commission notes your proposal that eligibility for Party Election Broadcasts should be on the basis of the number of candidates fielded and that parties may qualify for additional broadcasts if they can demonstrate substantial levels of past and/or current electoral support in the relevant nation. The Commission supports this approach, which is consistent with that adopted in the past.

The Commission also notes your proposed criteria for allocating Referendum Campaign Broadcasts. We support the approach to allocate broadcasts to only those organisations designated by the Commission, which will ensure a fair balance between the 'yes' and 'no' campaigns. I would also suggest that a fair and transparent process is used to determine the scheduling of when each designated organisation receives its referendum broadcasts. For the avoidance of doubt I conclude that if we are not able to designate campaigners, no organisation will receive a broadcast.

The criteria as currently drafted do not, however, reference the specific BBC services which would carry broadcasts if there were a referendum held under PPERA in a particular part of the UK. I know this was an unintentional omission that has already been drawn to your attention in relation to the referendum in Wales and understand that

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the criteria will be adjusted to reflect the need to include appropriate BBC services there.

We also note that the criteria stipulate that each designated campaign organisation will receive 'at least one' broadcast. Our research with voters into the proposed questions for both the Wales and UK referendums showed that public understanding of the issues was very low. So while we recognise that there are a range of considerations broadcasters need to take into account when deciding how many broadcasts to allocate, I would encourage you to include public understanding and awareness of the referendums as one of them.

There are two additional points I would also like to draw to your attention that stem from the proposed referendum on the UK Parliamentary voting system taking place on the same day (5 May 2011) as scheduled elections to the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly, as well as to 280 local authorities in England.

In other aspects of PPERA, such as those relating to party spending, different electoral events are considered as distinct for regulatory purposes. To be consistent with this, we believe it will be important for the guidelines on election broadcasts to address the issue of parties attempting to use their election broadcasts to also encourage people to vote for a particular referendum result; we think this should not be permitted.

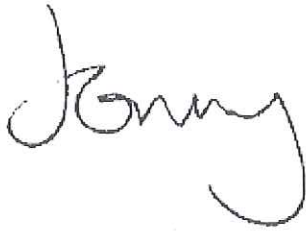
Elected representatives and others have also raised concerns that if a UK-wide referendum is held on the same day as elections in different parts of the UK this would impact on the coverage of campaigns for the elections. When the Commission considered the proposal for a referendum on 5 May 2011, we said it would be important for voters to have access to information about the choices they have at different polls, whether an election, referendum or both, and we noted that broadcasters had an important part to play in making this a reality.

You will, like the Commission, I'm sure be very aware of this and no doubt be considering how best to make sure that voters receive an appropriate balance of coverage across the BBC's programmes of the polls taking place where they live. I would also ask that this is taken into account when deciding the scheduling of slots for the election and referendum campaign broadcasts.

I know you have been in touch with Commission staff about the designation process and the particular rules that apply at referendums. Please don't hesitate to ask for any further information should you need it.

I am copying this letter to the Chairman of the BBC Trust, Sir Michael Lyons.

With best wishes

A handwritten signature in black ink that reads "Jenny". The signature is written in a cursive, flowing style.

Jenny Watson
Chair

Approved by the Chair and electronically signed in her absence