



Northern
Ireland
Office

Consultation Paper

ELECTORAL REGISTRATION IN NORTHERN IRELAND

Proposals on the future of Electoral Registration
in Northern Ireland

Comments on these proposals are invited and
should be made to the address below by
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THE FUTURE OF ELECTORAL REGISTRATION IN NORTHERN IRELAND

CONSULTATION PAPER

Introduction

In November 2004 the Government announced that it was committed to moving away from the legal requirement for the electoral register to be completely refreshed each year. This was in response to concerns expressed across the political spectrum that the requirement on voters to re-register and provide their personal identifiers annually, introduced by the Electoral Fraud Act 2002, was contributing to a downward drift in the overall numbers registered.

2. The Queen's Speech on 17 May 2005 therefore announced that, as part of its legislative programme for 2005/06, the Government would introduce a Bill that would further reform and modernise the electoral registration arrangements in Northern Ireland. These steps are intended to increase the numbers of eligible citizens registering to vote while maintaining the current high level of accuracy in the register, in particular by lifting the burden on electors and refocusing resources on more effectively targeting those not registered. This consultation paper sets out the background to why the Government is proposing to make the changes and invites views on the new arrangements it is planning to put in place.

Summary of Proposals

3. The Government will retain both individual registration and the requirement that all individuals registering for the first time or seeking to effect a change to their details on the register should provide their three individual personal identifiers (signature, date of birth and National Insurance number) and other prescribed information. These are key planks of the 2002 reforms to registration, and have been central to enhancing the accuracy of, and confidence in, the electoral register in Northern Ireland.

4. However, having substantially enhanced the accuracy and integrity of the register, the Government sees the next step as increasing its comprehensiveness. So to facilitate this, the legal requirement to have an annual canvass will be repealed. This will remove the need for individuals to provide information afresh each year. In addition, the Chief Electoral Officer will be given additional access to appropriate data to enable him to ensure that individuals' records are kept up to date, and to take proactive steps to target those not on the register for registration. In addition, the deadline for registration before an election will be shortened to 11 days before polling day, subject to certain conditions to guard against fraud.

5. In order to provide a safeguard and underpin confidence in the register, the Chief Electoral Officer will be given the power, with the approval of the Secretary of State, to conduct a canvass if he thinks it necessary to refresh the electoral roll.

The current system

Responsibility for electoral issues and the role of the Chief Electoral Officer

6. Responsibility for all elections in Northern Ireland is an "excepted" matter (ie the Secretary of State remains responsible for policy, and all appropriate legislation must be passed at Westminster).

7. The Chief Electoral Officer is appointed by the Secretary of State for Northern Ireland and is the registration and returning officer for each Parliamentary constituency in Northern Ireland, and the returning officer for the European Parliamentary elections, Northern Ireland Assembly elections and district council elections. He is responsible for the compilation of the electoral register, the preparation of polling station schemes, the maintenance of election equipment and other administrative matters relating to elections in Northern Ireland.

Registration arrangements: the Electoral Fraud (Northern Ireland) Act 2002

8. Following extensive consultation with the Northern Ireland parties, a White Paper, *Combating Electoral Fraud in Northern Ireland*, was published in March 2001. The White Paper set out a package of measures designed to tackle persistent allegations of electoral fraud in Northern Ireland, and so enhance confidence in the electoral system.

9. The Electoral Fraud (Northern Ireland) Act 2002 gave effect to many of the proposals in the White Paper, providing the Chief Electoral Officer for Northern Ireland with additional functions to address the problem of electoral fraud and to improve confidence in the electoral system in Northern Ireland. The new arrangements specifically tackled three potential areas of fraud: abuse at registration; the system for applications for absent (“proxy” or postal) votes; and procedures at polling stations. The reforms to the registration system comprised:

- The abolition of household registration and the introduction of **individual registration**. Individual registration means that every eligible person has to register personally, supplying their own personal identifiers (see below) and signing a separate registration form. This measure was introduced in order to prevent individuals no longer resident at a particular address being incorrectly recorded as resident, and to deal with concerns about false entries;
- Every person having to provide **three personal identifiers** - their signature, date of birth and National Insurance number - at registration. This measure was intended to stop both multiple entries and the use of fictitious names. This was combined with provision to allow disclosure to the Chief Electoral Officer of national insurance numbers and

personal details of persons with national insurance numbers in order to allow checks of identity to take place; and

- The ending of the “**carry forward**”, whereby individuals had the right to stay on the register for an additional 12 months if they failed to respond to the annual canvass. (**Rolling registration** provides a mechanism whereby entries can be added to, removed from or amended on the register at any time outside the annual canvass period of 3 months so that a new elector can be included on the register or an existing elector may change their name and/or transfer their registration from one address to another. An update to the register is published on a monthly basis outside the canvass period.)

The current register

10. Prior to the enactment of the Electoral Fraud (Northern Ireland) Act 2002, the register contained the names of 1,192,136 individuals, equivalent to 94.4% of the eligible voting age population. The first register under the new anti-fraud measures, published in December 2002, showed 1,072,346 individuals, or 85.1% of the eligible population, as registered. The Government believes that the large drop in the numbers registered from the final register under the old system was in large part due to a combination of the inaccuracy resulting from the weaknesses in the household-based canvass and the withdrawal of the carry forward.

11. This view was supported by the Electoral Commission in its report *The Electoral Fraud (Northern Ireland) Act 2002: An Assessment of its first year of operation*. The Commission stated that the non-registration rate was largely explained by the fact that the carry forward system no longer applied and the removal of inflationary factors from the register. The report also observed that the anti-fraud measures had had a positive impact in restoring integrity to the electoral process in Northern Ireland. As of 1 August 2005 the Chief Electoral Officer, through comparison of national insurance numbers, had satisfactorily

confirmed the accuracy of 96% of entries on the register. Further verification of those numbers not matching will continue, and if an entry appears to be false then the Chief Electoral Officer has the power to remove it from the register.

12. However, whilst the numbers registered rose between annual canvass periods through rolling registration, the numbers registered immediately following the annual canvasses in autumn 2003 and autumn 2004 showed that numbers registered continued to drift downwards year on year. In 2003, the figure fell to 1,069,160 (84.8% of voting age population); and in 2004 it fell to 1,047,601 (83.1%). There is also evidence that low rates of registration are particularly prevalent among particular groups, for example, voters aged 18-24, where only 71% are registered.

The Government's response

13. Ministers met with representatives from the political parties in Northern Ireland in the autumn of 2004 to discuss electoral registration in general. Whilst most of the parties welcomed the impact of the Government's anti-fraud measures in restoring integrity to the electoral register, there was concern about falling numbers and the need for the Government to address this problem.

14. In November 2004, Ministers announced a dual response to the decline in numbers. As a temporary measure to maximise the numbers of people entitled to vote in the local elections due in May 2005, the Government introduced legislation – the *Electoral Registration (Northern Ireland) Act 2005* - which reinstated onto the register for one year only around 70,000 individuals who did not register during the 2004 annual canvass. This meant that the register used for the combined Westminster and local elections in May contained around 91.1% of the eligible population, comparable with the headline figure for Great Britain.

15. That Act also re-introduced the carry forward for the 2005 annual

canvass: as a result, any person currently registered who does not re-register in the autumn 2005 annual canvass will be retained on the register for a further 12 months. Any of the 70,000 individuals carried forward onto the register published on 1 April 2005 who do not re-register in the autumn 2005 canvass will be removed from the register. However, the Government does not believe that the continued application of a 12-month carry forward represents a sustainable method of securing the most accurate and comprehensive register possible in the longer term. By definition, through its reliance on unrefreshed data its sustained use is highly likely to introduce inaccuracy into the register.

16. Whilst the Government was satisfied that its anti-fraud measures had been successful in substantially improving the accuracy of the electoral register, it was concerned that the requirement on voters to re-register and provide their personal identifiers afresh each year was leading to a downward drift in the overall numbers registered. So the Government therefore announced that in the medium term it was committed to **moving away from the legal requirement for the register to be completely refreshed each year**. This would reduce the burden on the individual citizen and allow resources to be redirected to proactively targeting individuals not currently registered.

17. The Government is absolutely clear that this reform must be implemented in such a way that it preserves the very high levels of accuracy delivered as a result of the 2002 Act. So the removal of the annual canvass will need to be accompanied by measures which can guarantee that the accuracy of the register is maintained and protected. The other anti-fraud measures introduced by the 2002 Act will remain in place. Northern Ireland will continue to retain individual registration and individuals will still have to supply their three personal identifiers. The Government believes that this approach will ensure that accuracy will go hand-in-hand with rising levels of registration.

The Government's proposed reforms

18. The Government's proposals are based on putting in place a registration system that will be both accurate and comprehensive. Ministers believe that scrapping the annual canvass will enable the CEO to concentrate on ensuring that those individuals who have not registered will have the opportunity to do so. Giving the CEO increased powers to view relevant data will help him to know who these people are and where they live, and to actively approach these individuals to encourage them to register. Just as importantly it will also help him, in the absence of a regular annual canvass, to track changes to the circumstances of existing electors which may require revision of the register and actively approach them to update the register. Where the Chief Electoral Officer is alerted to a change and is convinced that an entry on the Register is no longer accurate he can exercise the power to remove it.

19. Proposals vi and vii. outlined below make reference to the Electoral Administration Bill. The EAB is a UK-wide Bill which will be before Parliament in the 2005-06 Session containing a number of reforms to electoral law in the UK. Some of the measures included in that Bill will be extended to Northern Ireland; others will not, principally as a result of the different electoral and registration systems operating in Great Britain and NI.

20. The Government's detailed proposals are as follows:

i. Individual registration will be retained.

ii. All individuals registering or seeking a revision of their entry on the register will still have to supply their three individual personal identifiers i.e. date of birth, signature and national insurance number.

iii. Removal of the legal requirement to conduct an annual canvass.

The administrative burden of renewing the register annually limits the Chief Electoral Officer's capacity to undertake work to extend the

comprehensiveness of the register. Subject to Parliamentary approval and the successful and timely implementation of the new arrangements, the final annual canvass under the old arrangements would be carried out in the autumn of 2006. The Government plans that there will be no carry forward to this register to ensure that the new arrangements start from an accurate base.

iv. Enhanced arrangements to measure and protect the accuracy of the register:

(a) regular **assessment of overall accuracy by the CEO**. The Bill would give the CEO the power to assess the accuracy of the register on a regular basis, for example by means of a statistical survey. This would give the CEO the ability to assess the accuracy of the register continuously. It would be the Government's intention that an early assessment would take place following the completion of a final canvass in 2006.

(b) enhanced data sharing arrangements between the Chief Electoral Officer and other Government departments and public sector bodies.

The CEO already has powers of inspection as set out in section 35 of the *The Representation of the People (Northern Ireland) Regulations 2001*. These powers allow him to inspect and copy for the purpose of his registration duties records held by a number of named organisations. However, the Government does not believe that these current powers are sufficient or specific enough for the CEO to ensure that the register is both comprehensive and accurate. This new measure would enable the CEO both to ensure that individuals' residency details continued to be accurate through cross-checking; and to identify those individuals not registered more effectively in order that resources could be directed at actively encouraging them to register. The main categories of information it is envisaged he will require comprise:

- Data on all domestic premises in Northern Ireland and the people resident in them;
- The names of young people becoming eligible for registration;

- Individuals changing addresses, including persons moving to and out of Northern Ireland; and
- Individuals changing their names.

The information obtained from these sources would be used to extend and keep the register up-to-date by:

- Allowing the CEO to identify and contact all eligible and newly eligible electors who are not registered and all electors who have moved house or changed their name. This will be achieved through targeted mailing and, where necessary, doorstep visits;
- Allowing the CEO to remove from the register all those known to have left Northern Ireland or who fail to confirm their circumstances when requested by the CEO.

v. **A power for the Chief Electoral Officer, with the approval of the Secretary of State, to carry out a full canvass.** Whilst the Government is confident that these proposals should deliver a more comprehensive register with high levels of accuracy, it acknowledges that these are far-reaching proposals. So it is envisaged that the new legislation should provide for a power for the Chief Electoral Officer to carry out a canvass to refresh the entire register if there is clear evidence that the register's accuracy was diminishing or that it was losing its comprehensiveness. This power would be subject to the restriction that a canvass could not be called more than once in any 12 month period. As a further safeguard and to underpin confidence, the Bill will provide that a **canvass** will be undertaken in 2009 unless the Secretary of State receives advice from the CEO that experience with the new system renders it unnecessary or there are exceptional circumstances requiring it to be moved.

vi. **Extending the deadline for registration to 11 days before polling day.** At present voters may only vote if they appear on the last published

register before an election. The relevant register is that published at the beginning of the month when nominations are due for the said election, effectively meaning that registration forms may have to be submitted as much as seven weeks or so before polling day. This measure has been included in the Electoral Administration Bill but does not extend to Northern Ireland. The Government supports in principle extending the provision to Northern Ireland, on the basis that at any future UK-wide election Northern Ireland electors should where possible enjoy similar rights to those existing for electors in Great Britain.

However, the Government has to balance this with the risk highlighted by the Chief Electoral Officer that large numbers of individuals registering close to this new deadline would mean that the CEO would not have the time available before polling day to check identity through verifying personal identifiers – principally the national insurance number. This issue does not arise under current registration arrangements in Great Britain. So to take account of this, the Government proposes to extend the provision to Northern Ireland with the addition of two measures designed to preserve accuracy in the register:

- Individuals registering between the closing date for the register used for nominations (usually seven weeks before polling day) and the new 11 day deadline (the “late registration window”) would have to provide supplementary evidence acceptable to the Chief Electoral Officer confirming the person’s name and address and period of residence in Northern Ireland; and
- Individuals registering in this “window” would be barred from applying for an absent (postal or proxy) vote for the election. (Under existing arrangements those registered before this period can apply for an absent vote up to 14 days before the election.)

The Government is putting forward these two safeguards following advice from the Chief Electoral Officer who is concerned that there might be a

particular risk of fraud in the absent vote process. The Government accepts this advice and is determined to protect the integrity of the electoral register whilst doing as much as possible to allow individuals to register much nearer to the date of an election.

vii. Anonymous registration

The Electoral Administration Bill will make provision for an anonymous registration scheme in Great Britain. The Government is considering whether a scheme should be established in Northern Ireland. The purpose of such a scheme would be to deal with cases where an individual might be put at risk if the register contained his or her name and address.

Conclusion

21. The Government would welcome views on:

- Any of the proposals in the consultation paper; and
- The question of anonymous registration.

22. The Department has carried out an equality screening in line with the Northern Ireland Office Equality Scheme to assess whether an Equality Impact Assessment is required for these proposals. The Screening has indicated that an EQIA is not required.

23. If you wish to make any comments on these proposals then please send them in writing by 30 September 2005 to

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