



Northern  
Ireland  
Office

**CONSULTATION PAPER**

**Improving  
Electoral  
Registration  
Procedures in  
Northern Ireland**

**Includes proposals relating to  
absent vote applications and  
voting from abroad**

**JULY 2009**

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## CHAPTER 1

### Introduction

- 1.1 Electoral registration is an essential part of the democratic process. The Northern Ireland Office is responsible for maintaining the legal framework for elections, including electoral registration, in Northern Ireland and remains committed to ensuring that the law can provide for the register to be as reliable, complete and impervious to electoral fraud as possible.
- 1.2 Significant progress has been made towards achieving this goal in recent years. Since the introduction of individual registration by the Electoral Fraud (Northern Ireland) Act 2002 (the 2002 Act) confidence in the security and accuracy of the register has grown. An independent survey conducted by the Electoral Commission assessed that the register on 1 December 2007 was 94% accurate<sup>1</sup> and, since the last annual canvass in 2006, the number of individuals registered has increased by more than 75,000 and now stands at 1,163,197.<sup>2</sup>
- 1.3 The NIO remains committed to making improvements to the law regarding electoral registration where necessary to ensure that the register can be both as accurate and comprehensive as possible. This consultation paper therefore seeks views on a number of issues relating to registering to vote in Northern Ireland. It also seeks views on absent voting procedures and voting from abroad.
- 1.4 The deadline for responses to issues raised in this consultation is **12 October 2009**. Further details on responding to the consultation are set out in Chapter 6.

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<sup>1</sup> *Electoral Registration in Northern Ireland: Accuracy and Comprehensiveness Research Report*, Electoral Commission, (2008) Pg iii.

<sup>2</sup> Electoral Office for Northern Ireland electorate figures by ward for 1 July 2009, see <http://www.eoni.org.uk/index/statistics/electorate-statistics/electorate-statistics-by-ward-2009.htm>

## CHAPTER 2

### Background

- 2.1 Electoral registration in Northern Ireland differs in a number of respects to other parts of the UK. The 2002 Act introduced a number of changes to combat perceived electoral fraud, including the introduction of individual (rather than household) registration for Northern Ireland<sup>3</sup>. Under this system every elector must provide personal identifiers in the form of their date of birth, national insurance number and signature before they can be included on the electoral register.
- 2.2 Individual registration improved confidence in the security and accuracy of the register and in December 2004 the Northern Ireland Affairs Committee concluded that the changes had been 'successful in reducing both the perception among the electorate of the prevalence of fraud and the actual level of electoral fraud, as far as it can be measured'<sup>4</sup>.
- 2.3 However, there were concerns that there had been a decline in the numbers of those registered, particularly amongst young people.<sup>5</sup> Reforms to combat this decline have been introduced through various pieces of legislation since 2002. The Northern Ireland (Miscellaneous Provisions) Act 2006 (Miscellaneous Provisions Act) replaced the annual canvass with a system of continuous registration. This resulted in an increase in the number of individuals registered to vote, while maintaining a high level of accuracy in the register. It also resulted in less administrative burden on electors and enables resources to be focused more effectively on those who were not registered.

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<sup>3</sup> The Government is also currently seeking to introduce a system of individual registration in Great Britain. The relevant provisions are contained in the Political Parties and Elections Bill.

<sup>4</sup> *Electoral Registration in Northern Ireland*, First Report from the Northern Ireland Affairs Committee, Session 2004-05.

<sup>5</sup> *Ibid.*

- 2.4 The Chief Electoral Officer for Northern Ireland is the registration officer for all constituencies in Northern Ireland and is responsible for compiling and overseeing the electoral register. In addition to abolishing the annual canvass, the Miscellaneous Provisions Act places a statutory duty on the Chief Electoral Officer to maintain, as far as is reasonably practicable, an accurate and comprehensive register and to include an assessment of the extent to which these objectives have been met in an annual report.
- 2.5 The legislation relating to electoral registration was recently updated by the Representation of the People (Northern Ireland) Regulations 2008 (the 2008 Regulations).<sup>6</sup> Following the recent European election in Northern Ireland the Government is now considering whether any further improvements could be made.

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<sup>6</sup> Most of the proposed changes in this paper can be achieved through amendments to the 2008 Regulations and the NIO intends to bring forward such amendments in the autumn session of Parliament. Some of the proposed changes would however require primary legislation and could not be taken forward until an appropriate legislative vehicle (i.e an appropriate Bill) could be identified. The consultation paper highlights the need for primary legislation where appropriate.

## CHAPTER 3

### Issues for Consideration

#### 3.1 Residency Requirements

3.1.1 Under the current rules, in order to register to vote in Northern Ireland a person must have been resident there for at least three months. To prove that this is the case they are required to supply the Electoral Office with documentary evidence, such as a bank statement or utility bill, that is dated between three and six months before they have applied to be registered. This safeguard has been in force in various forms since 1949<sup>7</sup> and consideration should be given as to whether the provision is still relevant following the 2002 Act reforms.

3.1.2 Currently, a person must supply proof of their current address when registering to vote. The same type of document can be used both as proof of address and proof of three month residency. However any document that is used as proof of address must be dated **less** than three months before the person applies to be registered. The effect of this is that those wishing to register to vote in Northern Ireland are often obliged to provide two sets of the same documents with different dates on them and for different purposes. This places an additional administrative burden on both those wishing to register and on the Electoral Office staff responsible for verifying these documents.

3.1.3 Concerns have also been raised that the three month residency requirement may also dissuade certain groups of potential voters from registering. Young people for example are less likely to have a permanent residence and the necessary documentation to prove it. A recent report by the Electoral Commission concluded that *'The main*

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<sup>7</sup> The three month residency requirement was introduced by the Ireland Act 1949.

*socio-demographic factors found to be associated with non-registration were age and length of residence.*<sup>8</sup>

3.1.4 It is important to note that the three month residency requirement is provided for in the Representation of the People Act 1983<sup>9</sup> and primary legislation will be required to make any change. It is unlikely therefore that change will be possible in advance of the next general election. Nevertheless, the NIO believes that, subject to views expressed as part of this consultation, there may be a case for removing the three month residency requirement over the longer term.

*Key questions on* **Residency Requirements**

- Should the three month residency requirement for registration in Northern Ireland be removed?

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<sup>8</sup> *Electoral Registration in Northern Ireland: Accuracy and Comprehensiveness Research Report*, Electoral Commission, (2008) Pg ii.

<sup>9</sup> Section 4

## 3.2 Access to the Register

### *Access to register in case of emergency*

3.2.1 Regulation 94 of the 2008 Regulations prohibits the Chief Electoral Officer from providing information contained in the full electoral register to anyone other than as specified in the Regulations. Those bodies specified include the British Library, elected representatives, the Electoral Commission and the police.

3.2.2 However, there may be cases where information contained in the electoral register may be useful in an emergency situation. For example, medical practitioners may urgently require the address of an individual because of an imminent and severe risk to their health. Not all patients update their medical records when they move house and this has resulted in problems when a hospital or GP needs to communicate urgently with a person because they may have been wrongly diagnosed or have been prescribed the wrong medicine or dosage. Although GPs and others are permitted to examine the full register at the Electoral Office, it is unlikely that there would be sufficient time for this examination to take place in the above circumstances.

#### *Key questions on Access to register in case of emergency*

- Do you agree that the Chief Electoral Officer should be able to release information contained in the register to provide assistance where there is an imminent and serious risk to a person?

### 3.3 Absent Voting and Voting from Abroad

#### *Absent vote applications and procedures*

3.3.1 The recent European election in Northern Ireland indicated that there may be some elements of the administrative framework for absent vote applications that could be improved. Views are sought on the following proposals:

- (i) *Allowing an individual to attest up to two absent vote applications for a particular election.*

A person applying for an absent vote at a particular election must have their application attested. At present, regulation 59 of the 2008 Regulations states that a person may only attest one absent vote application. Limiting the number of absent votes that an individual can attest is considered to be an effective measure for preventing electoral fraud. However, an unfortunate effect of this is that if, for example, a husband and wife asked a neighbour to attest both of their applications, one of them would have to be rejected as invalid by the Electoral Office. The Chief Electoral Officer has advised that in these situations, there is usually not enough time to allow for the unsuccessful applicant to re-submit their application with a different attestation.

The NIO would therefore propose that provision be made to allow the same person to attest up to two applications at the same election.

- (ii) *Removing the requirement that those over the age of 65 and in receipt of higher rate Attendance Allowance must have their application for an absent vote attested.*

Under the current rules, people who are in receipt of the higher rate mobility component of the Disability Living Allowance (DLA) are not required to have their absent vote application attested. To apply for higher rate mobility DLA the person concerned must be under the age

of 65. Those who have not applied for higher rate DLA before they are 65, but who may fulfil the criteria for receiving this, are often instead entitled to the higher rate of Attendance Allowance. However those in receipt of higher rate Attendance Allowance are still required to have their absent vote applications attested. The NIO would therefore propose to amend the law to ensure that the exemption from attestation should also be extended to those in receipt of the higher rate Attendance Allowance. The NIO also welcomes views on whether the exemption should also extend to those in receipt of the higher rate *care* component of DLA.

- (iii) *Extending the list of those who can attest absent vote applications to include other healthcare professionals.*

Applications for an absent vote on grounds of blindness or other disability must be attested by a person specified in regulations. The list of eligible persons includes registered medical practitioners, nurses, Christian Science practitioners and those in charge of care, residential or retirement homes.

Applicants living in residential care would be able to have their applications attested by those in charge of the facility. However, individuals living in the community are restricted to having their applications attested by a nurse, doctor or Christian Science practitioner. Views are therefore sought on whether the list should be extended to include other health care professionals working in the community who would have the necessary qualifications and experience to make a judgement as to whether it would be unreasonable to expect the applicant to vote in person.

- (iv) *Providing reasons for an absent vote being sent to a different address*

In Great Britain, a postal vote applicant must give reasons if he or she requests that any ballot paper is sent to a different address to that at

which the applicant is registered. Whilst there may be valid reasons for sending a ballot paper to another address – for example, because the applicant may reside temporarily at the address for work or other reasons – there is also a risk of fraud, particularly if several ballot papers are being sent to a single address without good reason. The NIO therefore proposes bringing Northern Ireland into line with practice in GB by making necessary amendments to the 2008 Regulations.

***Key questions on Absent Vote Applications***

- Should an individual be able to attest up to two absent vote applications at a particular election?
- Do you agree that those in receipt of the higher rate of Attendance Allowance or higher rate care component of DLA should not be required to have their absent vote applications attested?
- Should the list of those who can attest absent vote applications be extended to include other healthcare professionals?
- Should postal vote applicants who request that their ballot paper is sent to a different address provide reasons for this?

### *Voting from abroad - Declarations*

3.3.2 The Representation of the People Act 1985 sets out the requirements that a person must meet in order to be eligible to be registered and vote at a UK election whilst living abroad. One of these requirements is that any application must include a declaration that the applicant is a British citizen.

3.3.3 This legislation is UK wide and is intended to make clear that the right to vote whilst living abroad does not apply to just anyone living outside the UK. However, the need for the declaration raises issues in the context of the nationality provisions of the Belfast (Good Friday) Agreement (the Agreement), which provides for the people of Northern Ireland “*to identify themselves and be accepted as Irish or British or both*”. The NIO would therefore propose to modify or remove this requirement as soon as an appropriate legislative vehicle can be found and welcomes views on this.

3.3.4 The 2008 Regulations also contain more detailed provision relating to overseas elector declarations similar to provisions applying across the UK<sup>10</sup>. As above, the NIO will further review these provisions to determine whether amendments could be made that might allow for greater consistency with the Agreement and welcomes views to assist this process.

#### *Key questions on Voting from Abroad*

- Should the requirement for an applicant to declare that they are a British citizen on an Overseas Elector’s Declaration be amended in respect of Northern Ireland? Do the 2008 Regulations require further amendment in relation to this?

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<sup>10</sup> See regulations 20-23 which provide, for example, that attestors should be British passport holders

### 3.4 Performance Standards

3.4.1 Unlike registration officers in the rest of the UK, the Chief Electoral Officer has statutory registration objectives which are set out in the Miscellaneous Provisions Act<sup>11</sup>. The Chief Electoral Officer is obliged to report annually on progress against these objectives and this report is then laid before Parliament.

3.4.2 In Great Britain, registration and returning officers are assessed against a “Performance Standards” framework administered by the Electoral Commission. Although the Chief Electoral Officer is already subject to a degree of accountability under the Miscellaneous Provisions Act, there may be merit in the Chief Electoral Officer participating in a Performance Standards scheme.

3.4.3 It is important to recognise that the Chief Electoral Officer’s duties vary considerably compared to those of registration and returning officers in Great Britain. With this in mind, under any proposed new scheme, the Electoral Commission and Chief Electoral Officer would seek to agree a set of standards that reflect the Chief Electoral Officer’s unique duties and on which he or she could be accurately and fairly assessed.

3.4.3 Primary legislation would be required to formally integrate the Chief Electoral Officer within the UK wide Performance Standards scheme. Nevertheless, both the Chief Electoral Officer and Electoral Commission have indicated that they would be prepared to take forward a pilot scheme in advance of any legislation being enacted. The NIO believes that this is would be a very positive development and welcomes views on this issue.

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<sup>11</sup> See section 4 which inserted new section 10ZB into the Representation of the People Act 1983

*Key questions on Performance Standards*

- Should the Chief Electoral Officer participate in a Performance Standards scheme tailored to meet the unique duties of the Office?

### 3.5 Other Issues

#### *Further Education Colleges*

3.5.1 In 2007 a report by the Electoral Commission concluded that registration rates were significantly lower in younger age groups<sup>12</sup>. The Government responded by bringing forward legislation in 2008 which added Secondary Schools to the list of specified authorities that the Chief Electoral Officer is able to request information from for registration purposes. This enabled the Electoral Office to conduct a successful schools initiative to encourage more young people to register to vote. In order to further assist the Chief Electoral Officer to further encourage the registration of young people, the NIO proposes amending the 2008 Regulations to extend the list of specified authorities to include Further Education Colleges.

#### *Removal from the register when a person has died*

3.5.2 The Chief Electoral Officer must conduct a formal review before removing a person from the register, unless one of the conditions in regulation 35 of the 2008 Regulations applies, in which case the person may be removed summarily. Regulation 35(2)(d) provides that a person may be summarily removed if the Chief Electoral Officer has been notified that the person has died by the Registrar-General of Births and Deaths in Northern Ireland.

3.5.3 The Chief Electoral Officer now has an arrangement under which the Registrar-General of Births and Deaths in Ireland provides details of

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<sup>12</sup> Accuracy and Comprehensiveness of the Electoral Register, Electoral Commission NI, 2007

deaths occurring there of individuals with an address in Northern Ireland. The Chief Electoral Officer may also enter into similar arrangements with equivalent authorities in other jurisdictions. In light of this, the NIO proposes to extend regulation 35(2)(d) to include notifications received from the Registrar-General of Births and Deaths in Northern Ireland or an equivalent authority in another jurisdiction.

#### *Photographic Identification*

3.5.4 In Northern Ireland there is a legal requirement that electors produce photographic identification as proof of identity when voting at a polling station. At the recent European election, the list of acceptable identification has been extended to include Blind Person, War Disabled and 60+ Smart Passes and Provisional Driving Licences. The requirement that the ID must be current was also removed. The Chief Electoral Officer has suggested that driving licences from all EU countries should be included on the acceptable list of ID for future elections. There is a standard format for EU driving licences which would ensure that polling station staff could readily verify them. The NIO proposes to amend the 2008 Regulations to add EU licences to the list of acceptable identification used as proof of identity when voting at a Parliamentary election and to extend this to voting at other elections when the relevant legislation is next updated.

#### *Responsibility for promoting public awareness*

3.5.5 The Chief Electoral Officer has responsibilities and objectives in relation to ensuring that the register is comprehensive and accurate and also that elections are successfully administered. However, the Electoral Commission has responsibility for promoting public awareness of issues relating to registration and voting at elections. In light of the proposal relating to Performance Standards (at para 3.4), it may be more appropriate for the Chief Electoral Officer to be given responsibility for promoting public awareness of issues relating to

registration and voting at elections. This would allow the Commission to focus more on its regulatory role and allow it to more fairly and accurately assess the Chief Electoral Officer on his progress against the agreed Performance Standards.

*Key questions on **Other Issues***

- Should Further Education Colleges be added to the list of specified authorities that the Chief Electoral Officer is able to request information from for registration purposes?
- Should the Chief Electoral Officer be able to summarily remove a person from the register if informed by the relevant authority in another jurisdiction that that person has died?
- Should the list of acceptable ID to be used when voting be extended to include EU driving licences?
- Should responsibility for promoting public awareness in respect of registration and elections transfer to the Chief Electoral Officer?

## CHAPTER 4

### Equality and Regulatory Considerations

#### 4.1 Equality Screening

4.1.1 Under section 75 of the Northern Ireland Act 1998, public authorities are required to have due regard to the need to promote equality of opportunity between:

- People of different religious belief, political opinion, racial group, marital status or sexual orientation;
- Men and women generally;
- People with disabilities and those without;
- People with dependants and those without.

4.1.2 In addition to this obligation public authorities are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. These obligations are designed to ensure that equality and good relations considerations are carefully considered as part of the policy development process and that consultation can take place with those on whom the policy will impact most.

4.1.3 The NIO has concluded that the proposals put forward in this paper do not require a full equality impact assessment. The proposals suggested would not result in adverse implications to section 75 groups and altering the proposals would not result in better community relations or equality of opportunity.

## 4.2 Regulatory screening

4.2.1 Many of the issues considered as part of this consultation address administrative procedures associated with electoral registration and voting. Changes taken forward following this consultation may result in a reduction of the administrative burden for people seeking to vote or register to vote and Electoral Office staff.

## CHAPTER 5

### Responding to this consultation

- 5.1 This consultation will run for 12 weeks and responses are therefore requested by **12 October 2009**. Comments on the proposals should be sent by post to:

Head of Elections Unit  
Northern Ireland Office  
1<sup>st</sup> Floor  
11 Millbank  
LONDON  
SW1P 4PN

Email responses should be sent to: [electionsunit@nio.x.gsi.gov.uk](mailto:electionsunit@nio.x.gsi.gov.uk) and faxed responses to 02072100248. Please call 02072106569 for queries in relation to this consultation. The NIO textphone number is 02890527668.

- 5.2 This consultation document is available on the NIO website: [www.nio.gov.uk](http://www.nio.gov.uk) under Public Consultation. A consultation response document is also included. Printed copies of this consultation document may also be obtained free of charge from the above address. You may make additional copies of this document without seeking permission. This document can also be made available on request in different formats, for individuals with particular needs.
- 5.3 If you are responding on behalf of a group or organisation please make this clear. The NIO is committed to publishing a list of those organisations that comment on these proposals and to making available, to anyone who asks for it, a copy of the comments and our response to them. **If you do not wish your comments to be published in this way, you must make this clear in any response you submit.**

- 5.4 If you have any concerns or complaints about the consultation process you should contact the NIO's consultation co-ordinator, Donna Knowles on 02890 527015, or e-mail [Donna.Knowles@nio.x.gsi.gov.uk](mailto:Donna.Knowles@nio.x.gsi.gov.uk) or by post:

Donna Knowles  
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BT4 3SH

## CHAPTER 6

### Responses: Confidentiality and Disclaimer

- 6.1 The information you send us may be passed to colleagues within the Northern Ireland Office, the Government or related agencies. **Individual responses may also be published on the internet at [www.nio.gov.uk](http://www.nio.gov.uk), unless a respondent has requested otherwise.** Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. These are primarily: the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations (2004).
- 6.2 If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice, with which public authorities must comply, and which deals, amongst other things, with obligations regarding confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.
- 6.3 Please ensure that your response is marked clearly if you wish your response to be kept anonymous. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department. Confidential responses, included in any statistical summary of numbers of comments received and views expressed, will be anonymised. The Department will process your personal data strictly in accordance with the Data Protection Act. In most circumstances this will mean that your personal data will not be disclosed to third parties.

