



Northern
Ireland
Office

**GOVERNMENT RESPONSE
TO CONSULTATION**

Improving Electoral
Registration
Procedures in
Northern Ireland

Includes proposals relating to
absent vote applications and
voting from abroad

NOVEMBER 2009

IMPROVING ELECTORAL REGISTRATION PROCEDURES IN NORTHERN IRELAND

Introduction

1. In July 2009 the Northern Ireland Office (NIO) published a consultation paper entitled *Improving Electoral Registration Procedures in Northern Ireland*. This document sought views on a number of proposals relating to electoral registration and also changes to the application process for absent voters. This document summarises the responses received and the changes that we now intend to take forward.

2. Responses to the consultation were received from a number of individuals and organisations. A list of respondents is included at Annex A. This document is available on the NIO website: www.nio.gov.uk under *Public Consultation*. Printed copies of this response may also be obtained free of charge from:

Elections Unit
Northern Ireland Office
11 Millbank
London SW1P 4PN
Email: ElectionsUnit@nio.x.gsi.gov.uk

3. You may make additional copies of this response without seeking permission. This document can also be made available on request in different formats, for individuals with particular needs. Please call 0207 210 6569 for any queries in relation to this response. The NIO textphone number is 02890 527668.

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, by e-mail: Donna.Knowles@nio.x.gsi.gov.uk or by post:

Donna Knowles
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5. The consultation has assisted the NIO greatly in formulating overall policy on electoral registration procedures in Northern Ireland; and we are grateful to all those who provided a response.

Key issues discussed in consultation paper

A. Removal of the three month residency requirement

6. No objections were raised in relation to the removal of the three month residency requirement for registration in Northern Ireland. Most respondents believed that the current requirement discourages some people from registering to vote, particularly young people who are less likely to have a permanent residence and/or the necessary documentation to prove it.

7. Respondents also emphasised that this requirement had an adverse effect on those who move to Northern Ireland within three months of an election because it prevents them from registering and therefore voting at the election. The provision was also considered to be now largely obsolete as an anti-fraud measure due to other robust requirements introduced over the last few years.

8. The NIO agrees that there is now a good case for the removal of the three month residency requirement for the reasons set out above; and will take forward legislative amendment to remove it as soon as possible. Once the change is introduced it will no longer be necessary for those registering to vote to have lived in Northern Ireland for the three months preceding the date of their application. However, as noted in the consultation paper, primary legislation is required to remove the three month residency requirement. The change is therefore highly unlikely to be made before the next General Election.

B. Access to register in case of emergency

9. Currently, the Chief Electoral Officer (CEO) may not supply anyone with information contained in the full version of the electoral register unless they are prescribed in the Representation of the People (Northern Ireland) Regulations 2008¹ (2008 Regulations) as being eligible to receive such information. If other individuals or organisations wish to find information in the

¹ Part 6 of the Representation of the People (Northern Ireland) Regulations 2008

register, they must examine the full register at the Electoral Office. Most respondents agreed that because there is a single CEO with a centrally held register, there would be merit in permitting the CEO to release information contained in the electoral register to provide assistance in an emergency situation.

10. Some concerns were however expressed in relation to how this provision would work in practice; and several respondents wanted clarification on the exact circumstances in which information would be released and to whom.

11. The NIO will seek to amend the 2008 Regulations to add registered medical practitioners to the list of individuals and organisations that may receive access to information contained in the register free of charge and on request. The Regulations will make clear that medical practitioners who request access to the register under the new provisions may only do so for medical purposes (which will be closely defined).

C. Absent Voting and Voting from Abroad

Allowing an individual to attest up to two absent vote applications for a particular election

12. There was agreement that an individual should be able to attest up to two absent vote applications for a particular election rather than just one, as is currently the case. This would be beneficial, for example, where a person wished to attest the applications of a neighbouring couple. One respondent suggested that the provision should be extended so that one individual was able to attest the applications of any number of people from the same household.

13. There is a need to strike the right balance between extending the provision to assist voters and maintaining the integrity of the absent vote process. There remains concern that allowing an individual to

attest any number of applications from the same household could increase the risk of electoral fraud.

14. The NIO is however confident that amending the current provision to allow one individual to attest up to two absent vote applications per election will enable more people to successfully obtain an absent vote without unduly increasing the risk of fraud. We will therefore seek to amend the 2008 Regulations accordingly.

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

15. No objections were raised in relation to the proposal that those in receipt of the higher rate of Attendance Allowance should not be required to have their absent vote application attested. Respondents agreed that this would ensure parity between recipients of Disability Living Allowance (DLA) and Attendance Allowance. Similarly, no objections were raised to extending the current provision, which already exempts those in receipt of the higher rate mobility component of DLA, to include those in receipt of the highest rate care component of DLA.

16. The NIO will seek to amend the 2008 Regulations to ensure that those in receipt of the higher rate of Attendance Allowance and the highest rate care component of DLA will not be required to have their absent vote applications attested. In line with existing practice, applicants will need to provide evidence as part of their application that they are in fact in receipt of such allowances. We will also keep under review the extent to which it would be appropriate to extend this exemption to those in receipt of other benefits.

Extending the list of those who can attest absent vote applications to include other healthcare professionals

17. No respondent objected to an extension of the list of individuals able to attest absent vote applications to include healthcare professionals working in

the community. It was agreed that this would ensure that individuals living in the community would have similar access to potential attestors as those living in residential care.

18. We have worked closely with colleagues in the Department of Health, Social Services and Personal Safety (DHSSPS) to provide a definition of appropriate healthcare professionals for the purposes of legislation and have agreed that the legislation should be extended to include social workers registered in the social worker part of the register maintained by the Northern Ireland Social Care Council.

19. The NIO will seek to amend the 2008 Regulations to extend the list of individuals who can attest absent vote applications to include social workers registered in the social worker part of the register maintained by the Northern Ireland Social Care Council. We are grateful to DHSSPS (NI) for their help and advice in finding a suitable legislative definition.

20. There have however been concerns expressed in relation to potentially fraudulent absent vote applications in advance of the 2009 European Parliamentary elections. We will therefore add provision requiring all those attesting absent vote applications on grounds of blindness or other disability to be on the electoral register. This will protect against electoral fraud by allowing the Chief Electoral Officer to check whether signatures provided by attestors on any application are valid.

Providing reasons for an absent vote being sent to a different address

21. Most respondents agreed that applicants who request that their absent vote be sent to a different address from that at which they are registered should provide reasons for this. One respondent objected to the proposal on the basis that there are already sufficient anti-fraud measures in place and that this additional provision would only serve to further complicate the absent voting process. However, most agreed that the provision would assist the

Chief Electoral Officer to reduce the risk of fraud and would provide greater consistency with electoral law in the rest of the UK.

22. The NIO will seek to amend the 2008 Regulations to ensure that those requesting an absent vote to be sent to a different address to that at which they are registered should provide reasons for this.

Voting from abroad – Declarations

23. Most respondents agreed that those people from Northern Ireland wishing to vote at a UK election whilst living abroad should not be required to declare that they are a British citizen. Only one respondent objected to the proposal, on the basis that it would create inconsistency between Northern Ireland and the rest of the UK. However, other respondents agreed that an amendment would ensure greater consistency with the spirit of the Belfast (Good Friday) Agreement and that it might encourage more people to register as overseas electors.

24. The NIO will seek to amend the current law so that overseas elector applicants from Northern Ireland will not be obliged to declare that they are British citizens. Primary legislation will again be required to make this change and it is therefore unlikely that it will be achieved in advance of the next General Election. We will however seek to make the change as soon as a suitable legislative vehicle has been found and will bring forward more detailed proposals in advance of this.

D. Performance Standards

CEO participation in a Performance Standards scheme

25. No objections were raised to the Chief Electoral Officer participating in a Performance Standards scheme similar to that currently used by the Electoral Commission for registration and returning officers in the rest of the UK, but which would be tailored to meet the CEO's unique duties in Northern Ireland.

26. Primary legislation would be required to place the CEO's formal participation in the scheme on a statutory footing. However, the Chief Electoral Officer, Electoral Commission and NIO have already commenced discussions with a view to piloting a proposed scheme in 2010.

E. Other Issues

Further Education colleges

27. Respondents agreed with the proposed inclusion of Further Education (FE) Colleges on the list of specified authorities from whom the Chief Electoral Officer may request information for registration purposes. Respondents generally welcomed this as a means of encouraging more young people to register to vote and agreed that it would further assist in the registration of those who had not registered during the Schools Initiative.

28. The NIO welcomes any proposal which has the potential to encourage more young people to register and will seek to make the necessary amendment to the 2008 Regulations.

Removal from the register when a person has died

29. Currently, the CEO is able to remove individuals from the electoral register when informed that the elector has died by the Registrar General of Births and Deaths in Northern Ireland. All those who commented on this proposal agreed that the CEO should similarly be able to remove a person from the register when informed of their death by an equivalent authority in another jurisdiction. This would remove the requirement for the CEO to conduct a formal review of the person's entitlement to be registered and avoid unnecessary correspondence with the deceased elector's relatives.

30. One respondent questioned whether there would be an appeals mechanism in place in case of accidental removal from the register. The CEO has confirmed that any individual accidentally removed would be restored to the register immediately once the error was discovered.

31. The Chief Electoral Officer currently receives information from the Registrar General in Ireland in relation to deaths of individuals from Northern Ireland; and is working to establish a similar arrangement with registrars in Great Britain. The NIO will therefore seek to amend the 2008 Regulations to ensure that an elector can be summarily removed from the register if these authorities inform the CEO that the elector has died.

Photographic Identification

32. There were no objections to extending the list of acceptable photographic identification accepted at polling stations to include EU driving licences. Respondents commented that this could encourage participation in the electoral process.

33. The NIO will seek to amend the 2008 Regulations to ensure that Community driving licences (which include all EU member states) will be accepted as proof of identity at polling stations for Parliamentary elections. Similar amendments will be made in respect of voting at other elections when the relevant legislation is next updated.

Responsibility for promoting public awareness

34. There were no objections to the Chief Electoral Officer assuming responsibility for promoting public awareness of issues relating to registration and voting at elections. This would allow the Electoral Commission, which currently undertakes this role, to focus on its role as regulator.

35. The Chief Electoral Officer, NIO and Electoral Commission have commenced discussions on the practical steps needed to ensure this transfer of functions with a view to the CEO formally assuming responsibility for public awareness shortly after the next General Election.

F. Additional Points raised by Respondents

Prisoner Voting

36. Some respondents raised the issue of prisoners being able to vote. The matter was beyond the scope of this consultation exercise. **However, the Government remains committed to dealing with prisoner voting rights and the Ministry of Justice is taking forward policy on how best to proceed (the second stage consultation closed on 29 September 2009). We have passed the comments received in relation to this issue to the Ministry of Justice.**

Requirement of Secrecy

37. Section 66(1) of the Representation of the People Act 1983 makes provision to ensure that the secrecy of voting is maintained at polling stations. One respondent asked whether this provision was still required and recommended its removal.

38. This provision applies UK wide and has been a longstanding feature of electoral law. Primary legislation would be required to make any change. Nevertheless, the NIO will raise this issue with the Ministry of Justice with a view to reviewing the general utility of the provision throughout the UK.

Absent Voting

39. One respondent made several suggestions in relation to the absent voting process in general. These included suggestions that applicants should be given a longer period in which to apply for an absent vote; that more should be done to raise public awareness of the option to apply for an absent vote; that more should be done to assist those who make mistakes when completing their form; and that election observers should be used to oversee the absent voting process.

40. The Chief Electoral Officer has advised that it would not be possible to extend the period in which applicants can apply for an absent vote due to the time taken to undertake checks to minimise the risk of electoral fraud. The CEO has also provided an assurance that, wherever practicable, his staff will inform an applicant that a mistake

has been made. Promoting public awareness of absent voting is the responsibility of the Electoral Commission and the NIO has therefore forwarded the above comments to the Commission. Finally, in respect of observing the absent voting process, it is worth noting that accredited observers, Electoral Commission representatives, candidates, election agents and agents appointed for that purpose are permitted to be present when postal ballot papers are issued and received.

Documentary evidence

41. One respondent raised concerns in relation to how those who may be without relevant documentation – such as people who are homeless – could register.

42. The need to provide documentary evidence is a critical anti-fraud measure in Northern Ireland. The CEO does however undertake a number of outreach events as part of his work, including visits to hostels for homeless people, to encourage and facilitate participation in the electoral process where possible.

EONI Complaints Procedures

43. One respondent also raised concerns that the current Electoral Office complaints procedures are inadequate.

44. The Chief Electoral Officer has confirmed that the Electoral Office (EONI) has a robust complaints procedure which contributed to the EONI achieving Charter Mark status². He also noted that he and his staff are committed to responding to all representations made. The NIO is therefore satisfied that the EONI complaints procedures are robust.

² EONI complaints procedure: <http://www.eoni.org.uk/complaints-compliments-suggestions.htm>

ANNEX A

List of Respondents to the Consultation

The NIO was grateful to receive responses from the following parties, bodies and individuals:

- I. Chief Electoral Officer for Northern Ireland
- II. Disability Action
- III. Electoral Commission
- IV. Green Party of Northern Ireland
- V. Include Youth
- VI. Margaret Ritchie, MLA (Minister for Social Development)
- VII. Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO)
- VIII. Royal National Institute of Blind People (RNIB)
- IX. Sinn Féin
- X. Social Democratic and Labour Party (SDLP)
- XI. Traditional Unionist Voice (TUV)