



Memorandum to Northern Ireland Affairs Committee

Post-legislative Assessment of Electoral Registration (Northern Ireland) Act 2005

Presented to The House of Commons by the Secretary of State
for Northern Ireland by Command of Her Majesty

December 2008



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MEMORANDUM TO NORTHERN IRELAND AFFAIRS COMMITTEE

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Introduction

This Memorandum has been prepared by the Northern Ireland Office for submission to the Northern Ireland Affairs Committee (“the Committee”) and will be published as part of the post-legislative scrutiny process set out in Cm 7320.

The Electoral Registration (Northern Ireland) Act 2005 (“the Act”) received Royal Assent on 24 February 2005. The Bill was introduced to Parliament on 9 February 2005. No amendments were made to the Bill during its passage through both Houses.

Detail

Electoral Fraud (Northern Ireland) Act 2002

The Electoral Fraud (Northern Ireland) Act 2002 (“the 2002 Act”) put in place anti-fraud measures in order to re-establish the integrity of the electoral process in Northern Ireland, which had been badly damaged by allegations that democracy was being undermined by fraud and, in particular, an inflated electoral register¹.

Measuring the extent of electoral fraud conclusively has always been a difficult task and it is equally difficult to comprehensively assess the success of efforts designed to reduce fraud. However, surveys carried out by the Electoral Commission following the 2003 Assembly election demonstrated increased public confidence in the electoral system in Northern Ireland². The Committee also concluded that, on the basis of the available evidence, it was satisfied that the 2002 Act had “been successful in reducing both the perception among the electorate of the prevalence of fraud and the actual level of electoral fraud, so far as it can be measured”³.

Decline in Registered Voters

Despite these successes, an unfortunate consequence of the 2002 Act was a steady decline in the numbers of electors registering. This was discussed by the Committee in some detail in its 2004-05 report on Electoral Registration in Northern Ireland⁴. In its response to the Committee’s report, the Northern Ireland Office made clear its intention to undertake significant legislative and administrative work to reverse this decline⁵ and this work culminated in, amongst other things, the scheme contained in the Northern Ireland (Miscellaneous Provisions) Act 2006, which replaced the Northern Ireland annual canvass with a system of more extensive continuous updating of the Northern Ireland electoral registers and removed the need for individual electors to re-register every year.

Electoral Registration (Northern Ireland) Act 2005

These changes could not of course be made in time for the local elections scheduled for May 2005. The Act therefore put in place a temporary arrangement whereby around 80,000 individuals who were registered in September 2004, but did not re-register during the annual canvass of 2004, were put back on the register on 1 April 2005 in time to vote at these elections. The Act also gave the Chief Electoral Officer the authority to carry forward those who were currently registered but who did not re-register in the annual canvass of 2005.

¹The issue of electoral fraud in Northern Ireland was investigated in some detail by the Committee and discussed in its report: *‘Electoral Malpractice in Northern Ireland’* (Second Report 1997-98).

²See Electoral Commission: *The Northern Ireland Assembly Elections 2003: The Official Report on the Northern Ireland Assembly Elections 26 November 2003*. The Commission reported that 65% of the population believed that the “new laws about registering and voting have helped to overcome electoral fraud” (para 5.64).

³Northern Ireland Affairs Committee Report *‘Electoral Registration in Northern Ireland’* (First Report 2004-05) para 10.

⁴Paras 11-63.

⁵*Electoral Registration in Northern Ireland: Government Response to the Committee’s First Report of Session 2004-05* (9 March 2005).

Assessment of effect

The combined effect of the Act and the April 2005 reinstatement and the rolling registration process meant that the register rose from 1,063,660 at 1 March 2005 to 1,148,487 in time for the local elections to Northern Ireland's 26 District Councils and the Parliamentary election of 2005. The register published on 1 December 2005 contained the names of 1,157,053 electors.

The Act was a short-term measure designed to ensure that as many people as possible were eligible to vote at these elections without compromising the integrity of the register. The Act extended only to Northern Ireland and provision was made for it to expire 12 months after it came into force. Although there was provision in the Act that enabled the Secretary of State to extend the operation for a further period of up to 12 months, such an order was not made and the provisions of the Act ceased to have effect in February 2006. As noted above, the Northern Ireland (Miscellaneous Provisions) Act 2006 provided a long term strategy for electoral registration in Northern Ireland which remains in effect today.

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