

# Individual Electoral Registration



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# Individual Electoral Registration

Presented to Parliament  
by the Deputy Prime Minister  
by Command of Her Majesty

June 2011

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This publication is available for download at [www.official-documents.gov.uk](http://www.official-documents.gov.uk).

This document is also available from our website at [www.cabinet-office.gsi.gov.uk](http://www.cabinet-office.gsi.gov.uk)

ISBN: 9780101810821

Printed in the UK by The Stationery Office Limited  
on behalf of the Controller of Her Majesty's Stationery Office

ID 2438353 12712 07/11 19585

Printed on paper containing 75% recycled fibre content minimum.

# Contents

Foreword	5
Introduction	7
The Detailed Proposals	15
Draft Legislation	27
Explanatory Notes	51
Annex A – summary of impact assessments	65



# Foreword

The Coalition Programme for Government set out an ambitious programme to improve the political system. We want to disperse power and give individuals and communities more control of the decisions that affect them.

We have already taken significant steps to move power from the executive to Parliament, and from Parliament to the people. We have asked the public whether they want to change the voting system for the Commons. Parliamentary constituencies are being redrawn so that everyone's vote carries the same weight, wherever they live. The Fixed-term Parliaments Bill will soon be law – removing the Prime Minister's power to call an election at a time of his or her choosing. And last month we published a draft Bill on House of Lords Reform.

This White Paper and draft legislation set out the next stage of this reform programme. In the Coalition Programme for Government we said that we would *'reduce electoral fraud by speeding up the implementation of Individual Electoral Registration.'*

The electoral register is a key building block for our democracy, as it provides the fundamental record of those people entitled to vote at the various elections in the UK. The current system for registering to vote has been in operation since the early part of the twentieth century. However, the system relies on trust that those who register to vote are indeed eligible. In the past decade there have been abuses of this system which have shaken the public's confidence in the security of our elections.

In the last Parliament legislation was passed to move to a system of Individual Electoral Registration, requiring each elector to register to vote individually, rather than by household as happens at the moment, and for each elector to provide personal identifiers which will allow each person's application to be verified before they are added to the register.

This White Paper sets out how we plan to accelerate the implementation of Individual Electoral Registration in line with the Coalition Agreement and do so in a way that will modernise the electoral registration system so eligible people can register themselves more easily and in many different ways. This will reduce fraud and help to make the registration system more accessible to under-represented groups and to those with special requirements, including disabled people.

- We will speed up the implementation of Individual Electoral Registration to 2014 – ahead of the next UK Parliamentary general election.

- We will drop the previous Government's plans for a voluntary phase leading up to this, saving £74m. Instead we will have a transition period which will mean that electors who do not register under the new system in 2014 will be carried forward onto that year's register and will not lose their entitlement to vote at the 2015 General Election.
- However all new electors, and anyone wishing to cast a postal or a proxy vote in 2015, will have to be registered under the new system.

We also intend to take this opportunity to address the issue of those who are entitled to vote but are not on the electoral register. At the current time the UK's registration rate (at around 90%) is broadly comparable to similar countries overseas, however that means a significant number of people are missing from the register. The transition to a new system of electoral registration allows us to take steps to address this and make it as easy as possible for people to register.

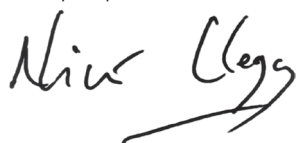
Alongside the publication of this draft legislation we therefore have launched, on time, a series of 'Data Matching' pilot schemes. The schemes will compare a number of local electoral registers against different public databases to check accuracy and to identify people who may be eligible to register to vote, and then invite them to apply to register. If these schemes prove successful we will look at how this can be extended across the country.

Finally this legislation provides us with an opportunity to look at how we can modernise our system of electoral registration to make it easier, more convenient and more efficient for people to use and administrators to run. The current system has not kept pace with technological advances and is largely paper based. This draft legislation will therefore allow:

- Electoral Registration Officers to offer people more choice of how to register, including making use of online registration;
- people to take more control over the verification of their eligibility, in line with the Government's plans announced on 18 May to develop a market of accredited ID assurance services; and
- in the future, if Parliament is satisfied with alternative arrangements to put in its place, an end to the annual canvass as the primary means of maintaining the completeness and accuracy of the register.

Proportionate and appropriate use of people's data is at the heart of these proposals. Data will be handled securely. People will only be asked to provide the minimum additional information necessary for the purposes of checking their eligibility and ensuring the accuracy of the register, and that data will only be used for this purpose. No additional information will be placed in the electoral register and the register will continue to be created and held locally – there will be no new national database.

We publish this White Paper and draft legislation for pre-legislative scrutiny and look forward to the Political and Constitutional Reform Committee's Report. While the next steps are a matter for the Committee, we would welcome views from members of the public and organisations with an interest in our proposals whether made to the Cabinet Office or to the Committee.



**Rt Hon NICK CLEGG MP**  
**Deputy Prime Minister**



**MARK HARPER MP**  
**Minister for Political and Constitutional Reform**

# Introduction

1. In the Coalition Agreement the Government promised to speed up the implementation of Individual Electoral Registration (IER) in Great Britain. In the last Parliament legislation was passed to introduce IER on a voluntary basis, before a decision would be taken on whether to move to a compulsory system. We believe that it is important that we take steps to restore public trust in the security of elections in this Parliament. Therefore the Government is bringing forward this draft legislation to set out how we propose to speed up the introduction of IER and make it compulsory from 2014.
2. These proposals will tackle electoral fraud to restore voters' confidence in the system by improving the accuracy and security of the register; and they will also allow the Government to take steps to improve the completeness of the register. Around 90% of eligible electors are currently registered to vote, which compares well with other countries, but the completeness of the register could be improved and we are committed to taking steps to do so.
3. This year we are trialling Data Matching – letting Electoral Registration Officers (EROs) compare the electoral register with other public sector databases to identify eligible people missing from the register. If successful we will roll this out more widely to support the move to IER and to improve the completeness and accuracy of the register.
4. Completeness and accuracy of the electoral register are defined by the Electoral Commission as:
 

**Completeness:** every person who is entitled to have an entry in an electoral register is registered

**Accuracy:** there are no false entries on the electoral registers<sup>1</sup>
5. We will also look at how we can make it simpler and more convenient for people to register to vote both to help improve registration rates and also to make the system more user friendly and consistent with how people choose to engage with public services today. This will include supporting the roll out of online and other channels for registration and exploring scope for integrating electoral registration into other services.

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<sup>1</sup> Accuracy excludes minor errors, such as the misspelling of an elector's name, which would not prevent an eligible elector from being able to vote.



6. The estimated cost for implementing IER is £108.3 million. The Government is committed to fully funding the costs, including costs to local authorities, of the move to IER. We will drop the previous Government's plans for a voluntary phase leading up to this, saving £74m. IER also opens up the possibility that the process for registration may be more efficient. It may be possible for example to drive further efficiencies through opening up new channels for electoral registration and integrating registration with other transactions. However this is yet to be tested. Full analysis of the implementation costs are set out in the Impact Assessments, which can be found on the Cabinet Office website and are summarised herein at Annex A.

## How to respond to this White Paper

Comments and views are sought from as wide a range of people as possible on the proposals contained in this White Paper. Views from interest groups and members of the public are also very welcome. Views can be submitted by Friday 14 October 2011:

By writing to:

Electoral Registration Transformation Programme  
Area 4/S1  
1 Horse Guards Road  
LONDON SW1A 2HQ

Or by e-mailing: [electoralregistration@cabinet-office.gsi.gov.uk](mailto:electoralregistration@cabinet-office.gsi.gov.uk)

Further information can be found at [www.cabinet-office.gov.uk](http://www.cabinet-office.gov.uk)

## Why the current system of registration needs to change

### *Tackling fraud*

7. The current system of electoral registration in Great Britain is based on an annual household canvass whereby each household is asked to provide a list of eligible electors at that address. An application for registration on a canvass form only requires the name, address and nationality of each elector (attainers<sup>2</sup> must provide their date of birth) and a signed declaration by the person completing the form that those named are eligible to vote. Outside of the annual canvass process, an individual elector may submit this information on a 'rolling registration' application form. No evidence is currently required of eligibility to vote but an ERO may investigate where they have suspicions about the information recorded in an application.
8. In recent years some steps have been taken to improve the security of elections. The Electoral Administration Act 2006 introduced a number of measures including:
  - A new version of the criminal offence of supplying false information to the ERO.
  - Allowing the police more time to carry out investigations into electoral fraud – increased from one to two years.
9. Additionally the Act improved security around postal votes by:

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<sup>2</sup> An elector who is not yet 18 years of age must be shown on the register with the date on which they will attain the age of 18. Those electors appearing on the register in such a case are called attainers as they are about to attain voting age. The date of birth for all 16 and 17 year-olds must be provided on the annual canvass form.

- Requiring electors to provide personal identifiers (signature and date of birth) if they wish to have a postal vote. Those identifiers must be replicated by the elector when they subsequently cast their postal vote, and can be cross-checked with the original samples to ensure the postal vote is valid. The implemented secondary legislation also made it clear that registration officers could cross-check personal identifiers against other records to which the officer has access.
  - Introducing a new offence of providing false information when applying for a postal or proxy vote.
10. While the data available on electoral fraud indicates that it is rare, any fraud in the system undermines public confidence. Despite the improvements introduced by the Electoral Administration Act 2006 there remain a significant number of people who perceive fraud to be a problem (40% of people surveyed for the Electoral Commission's Winter Research 2010<sup>3</sup>) and this can have a corrosive effect on trust in our political system. We think the current system of electoral registration is unacceptably exposed to the risk of fraud.
  11. Observers of UK elections have highlighted concerns about the registration system for a number of years. In their Election Assessment Mission Report on the General Election 2010 (published 9 July 2010), the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights described the voter registration system in Great Britain as the weakest link of the electoral process due to the absence of safeguards against fictitious registrations.<sup>4</sup> They recommend that:
 

*"Consideration should be given to introducing an identification requirement for voters when applying for registration as a safeguard against fraudulent registration."*
  12. In 2007 a report by the Committee for Standards in Public Life recommended that a system of IER should be introduced for the rest of the UK following the next General Election or by 2010, arguing that it would make the register more accurate. Since 2003 the Electoral Commission has recommended the introduction of IER to improve the quality of the electoral register.<sup>5</sup> The Association of Electoral Administrators (AEA), Society for Local Authority Chief Executives (SOLACE) and the European Commission for Democracy through Law (the Venice Commission) have also made representations calling for the introduction of IER.
  13. Maintaining a more accurate and complete register will deliver benefits beyond addressing the potential for fraud in elections. The full register is already made available under current legislation to a number of government organisations for official purposes, and the edited version of the full register is available to anyone for any purpose. In addition the full register is also supplied to credit reference agencies to assist financial institutions in the UK to verify a person's identity when processing an application for credit or opening a bank account.
  14. Placing a false identity on the electoral register has been assessed as an important stage in identity fraud, which is in turn linked to financial crime. There is evidence that individual criminals and organised crime groups exploit electoral registration to create false identities, enabling a range of criminal activities including mortgage fraud, fraudulently applying for banking products and/or passing credit checks, and fraudulently gaining access to state benefits. A recent Metropolitan Police Service (MPS) and National Fraud Initiative analysis of 29,000 strands of identity data found on

<sup>3</sup> [http://www.electoralcommission.org.uk/\\_\\_data/assets/pdf\\_file/0005/108869/2010-Public-Opinion-Winter-Research-Topline.pdf](http://www.electoralcommission.org.uk/__data/assets/pdf_file/0005/108869/2010-Public-Opinion-Winter-Research-Topline.pdf)

<sup>4</sup> Page 11 [http://www.osce.org/documents/odihr/2010/07/45252\\_en.pdf](http://www.osce.org/documents/odihr/2010/07/45252_en.pdf)

<sup>5</sup> The Electoral Registration Process: Report and recommendations June 2003

forged and counterfeit documents showed that 13,214 (45.6%) of these were positive matches on electoral register entries. The lack of a robust verification processes for electoral registration creates a key vulnerability to financial fraud.

15. IER should help to root out those who attempt to register fictitious identities with the aim of committing financial fraud. Ongoing discussions with the Serious Organised Crime Agency, the Association of Chief Police Officers and the Metropolitan Police are helping us to understand the value fraudsters place on getting on the electoral register and how we can protect the register from potential attacks. We are also working closely with those bodies to ensure that the system for electoral registration is as robust and secure as possible.

#### *Improving electoral registration rates*

16. In addition to trust and security, ensuring the electoral register is as complete as possible is central to the credibility of our electoral system and the basis for our democratic processes. Everyone who wants to be on the electoral register – and has the right to be – should be able to register easily and simply. It is not compulsory to vote in our elections and nor will we compel people, so it is sensible that registering to vote should be also be a choice for the individual concerned. As reported by the Electoral Commission in March 2010 registration rates in England and Wales (*figure 1*) are comparable to other similar developed countries (no data is available for Scotland), but we can and should do more to encourage people to register.

**Figure 1 International comparisons of electoral registration levels<sup>6</sup>**

Country	Year	Rate	Year	Rate
England and Wales	2000	91%	*	*
Canada	2000	93%	2007	94%
New Zealand	2000	92%	2007	95%
France	2001	90%	2007	91%
Australia	2002	95%	2008	92%
USA	2002	67%	2007	68%

\*no comparable data available for England and Wales

17. The Electoral Commission has published data on the extent of under-registration. In September 2005 it published research which compared electoral registers in England and Wales against the 2001 Census and Labour Force Survey.<sup>7</sup> Based on this work the best estimate for non registration among the eligible household population in England and Wales at 15 October 2000 (the qualifying date for the February 2001 register) was between 8% and 9% – an estimated 3.5 million people across England and Wales.
18. More recently the Commission's Report: *The completeness and accuracy of electoral registers in Great Britain*<sup>8</sup>, published in March 2010, examined evidence from electoral statistics and surveys of levels of response to the annual canvass. By undertaking house to house surveys the Report found a

<sup>6</sup> [http://www.electoralcommission.org.uk/\\_\\_data/assets/pdf\\_file/0019/83305/Interim-report-on-case-study-research-into-the-electoral-registers-of-Great-Britain.pdf](http://www.electoralcommission.org.uk/__data/assets/pdf_file/0019/83305/Interim-report-on-case-study-research-into-the-electoral-registers-of-Great-Britain.pdf)

<sup>7</sup> Understanding Registration: [http://www.electoralcommission.org.uk/\\_\\_data/assets/pdf\\_file/0020/47252/Undreg-FINAL\\_18366-13545\\_\\_E\\_\\_N\\_\\_S\\_\\_W\\_\\_.pdf](http://www.electoralcommission.org.uk/__data/assets/pdf_file/0020/47252/Undreg-FINAL_18366-13545__E__N__S__W__.pdf)

<sup>8</sup> [http://www.electoralcommission.org.uk/\\_\\_data/assets/pdf\\_file/0019/83305/Interim-report-on-case-study-research-into-the-electoral-registers-of-Great-Britain.pdf](http://www.electoralcommission.org.uk/__data/assets/pdf_file/0019/83305/Interim-report-on-case-study-research-into-the-electoral-registers-of-Great-Britain.pdf)

broadly similar level of completeness and identified those groups most likely to be missing from the register as young people, home movers, and certain Black and Minority Ethnic Groups.

19. While we know there is a problem, these figures do not give the Government or Parliament a sufficient basis on which to judge the impact of IER, nor how best to shape the policy. The 3.5 million figure is still widely used but it is based on data that is now over 10 years old and only relates to England and Wales. There is no recent national data on the accuracy of the electoral register and it is important we understand the scale of inaccurate entries on the register which should come off as IER is introduced. To address this problem we are working with the Electoral Commission to create a clear set of data on the completeness and accuracy of the electoral register at the present time. We will be funding the Commission to carry out a national study of completeness and accuracy. The Commission will publish its findings before the end of 2011 and before Parliament legislates on the issue. This data is critical in understanding the starting point on both accuracy and completeness.
20. Current legislation makes provision for the testing of Data Matching Schemes to test whether EROs can use public databases to identify people eligible to vote but missing from the register so they can invite them to register. Working with EROs the Government has launched a number of pilot schemes to test a range of public databases, and should be in a position by early next year to assess whether these schemes should be rolled out more widely.

#### **Data Matching Schemes**

*There are around 20 pilot schemes running between now and November. Between them they will compare electoral registers with a range of data from public authorities including the Department for Work and Pensions, the Department for Transport, the Department for Education, HM Revenue and Customs, the Department for Business, Innovation and Skills and the Ministry of Defence. Electoral Registration Officers will be able to tell the Government what difference matching names and addresses makes to their ability to improve the accuracy and completeness of the electoral register. If Data Matching identifies individuals who are not already on the register then the Electoral Registration Officer will be able to offer them the opportunity to apply to register. It is the choice of the individual whether to apply to register to vote. If Data Matching identifies names on the register that are not found elsewhere then the Electoral Registration Officer will be able to investigate whether those entries are legitimate.*

#### *Modernising our system of registration*

21. The current system of electoral registration is over 100 years old and Great Britain is almost alone in retaining a system of household registration. The processes for maintaining the register are largely postal and paper based and are increasingly out of line with how people choose to access services and carry out transactions with Government. We will therefore also take this opportunity to change our legislation on electoral registration to put in place a framework which reflects more closely how people choose to engage with Government and create flexibility for the system to keep pace with technological developments. This will help to make registration easier, more convenient, and more efficient, opening the way for other methods of registration such as by telephone or online. However whilst we are keen to look at how IT and online processes can assist in the registration process and elsewhere, we are not looking at electronic voting (e-voting) mechanisms.

22. The proposals in this White Paper, enabled by the draft legislation, include:
- giving people greater choice by allowing EROs to open up new secure channels for electoral registration, for example online registration;
  - making it possible to integrate electoral registration into other official transactions which could make registering to vote more convenient, save time and reach out to people not currently on the register;
  - allowing the process for verification to change in future to reflect the Government's plans to develop a market of Identity Authentication providers, which will give people more control over this process; and
  - enabling Parliament to take a decision in the future, informed by evidence and experience, on whether to end the annual canvass and replace it with a more effective and efficient way to maintain the electoral register.
23. These proposals are outlined in more detail in paragraph 33 onwards.

#### *Handling personal data*

24. The electoral register currently contains the names and addresses of each person registered to vote, along with the date at which any 'attainers' will reach the age of 18. With the introduction of IER there will be no change to the data currently included in the electoral register. Each electoral register is created and then held by 386 EROs in local authorities across Great Britain.<sup>9</sup> This will remain the case and there will be no new national database created.
25. We anticipate, although the draft legislation is flexible enough to allow changes to the information requested from people, that in the early period of IER the process for electoral registration will require each person to register individually and to provide EROs with their National Insurance Number (NINO) and their date of birth (DOB) – or alternative identification if they are unable or unwilling to provide this information. This data will be handled securely by EROs and misuse will be subject to a fine or custodial sentence. At the end of the process of verification the NINO data held by the ERO will be deleted; however we propose that EROs should retain the data on DOB (but it should not be included in the register itself) to enable a more accurate comparison of entries to allow ineligible duplicate entries to be removed, as well as potentially supporting data matching. We believe these arrangements are proportionate and strike the right balance between privacy, security and maintaining the quality and accuracy of the electoral register, but **we would welcome views on this as part of pre-legislative scrutiny.**

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<sup>9</sup> In Northern Ireland the Chief Electoral Officer is responsible for creating and maintaining the electoral register.

### *Individual Electoral Registration in Northern Ireland*

IER was implemented in Northern Ireland in 2002, requiring all electors to register individually by providing personal identifiers: NINO, DOB and signature. The system is centralised and responsibility for electoral registration lies with the Chief Electoral Officer for Northern Ireland. In 2006 the requirement to conduct annual canvasses in Northern Ireland ceased and was replaced with continuous registration meaning the elector would take responsibility for updating their entry in the register on an ongoing basis. Data Matching and targeted canvassing is used to help identify electors who have moved and others who may not be registered. The Chief Electoral Officer for Northern Ireland must conduct a complete canvass every 10 years. In addition, although not as a consequence of the introduction of IER, an applicant must have been resident in Northern Ireland for the preceding three months and the Chief Electoral Officer may ask for evidence of this, such as a utility bill or bank statement.

26. The introduction of IER in Northern Ireland has greatly improved public confidence in the security and accuracy of the register. There were some concerns that the increased security requirements and the need for people to register individually were causing a decline in the numbers registered, particularly amongst young people. Additional provision was therefore made to allow the Chief Electoral Officer to target under-represented groups for registration, in particular providing for increased data sharing between other public authorities and the Chief Electoral Officer.
27. Overall IER has been a success in Northern Ireland, but there are important lessons which the rest of the UK should learn from the Northern Ireland experience. The most important, which we have reflected in the plans outlined in this White Paper, is how we manage the transition to IER including the risk that eligible people fall off the register during transition. For this reason we propose a special 'carry forward' provision which will mean that a person already on the register who fails to register under the new system will not be removed from the register ahead of the next General Election. This will mean that existing electors will have more than one opportunity to register under the new system. This is dealt with in detail in paragraphs 76 to 78.
28. In addition it will not be a requirement for each person to re-register and provide personal identifiers each year. As mentioned above we are also testing Data Matching to understand whether this will help add more eligible people to the electoral register.

### *Aligning Northern Ireland legislation on IER with the rest of the UK*

29. The move to IER in 2002 has resulted in a substantial body of separate legislative provision relating to electoral registration in Northern Ireland alone. The introduction of IER in Great Britain will allow for Northern Ireland law in this area to be once again more closely assimilated with mainstream UK law. Detail on some of the main differences between the electoral registration processes of Northern Ireland and Great Britain follow:
  - Registration – in Northern Ireland, an applicant must provide identifying information as part of the application process. This system will be adopted in Great Britain when IER is implemented but our current intention is that a signature will not be collected (see paragraph 50).
  - Proof of Identity – in Northern Ireland the Chief Electoral Officer may ask an applicant to provide physical evidence of their name and DOB; for example a birth certificate, driving licence or passport. In Great Britain no such evidence is required and nor will it be a requirement under

IER, although there may be forms of evidence required if a person is unable or unwilling to provide a National Insurance Number.

- Proof of address – in Northern Ireland the Chief Electoral Officer may ask an applicant to provide physical evidence (for example a driving licence or bank statement) that they are living at the address stated on their application form. No evidence of address is required in Great Britain but when IER is introduced the ERO will have to establish a link between the individual and the address.
30. There are two important factors that will need to be considered on assimilating law. The first relates to timing and when Northern Ireland should effectively 'opt-in' to the overall UK IER system. Clearly with IER already in operation, there will be no need for Northern Ireland to participate in any UK wide roll out. It would be more appropriate for Northern Ireland to be able to opt in to the UK wide scheme when IER has bedded-in fully in Great Britain. However, space should also be allowed for discussions to take place with the Chief Electoral Officer, the Electoral Commission and Government on the appropriate time for Northern Ireland to be governed by the provisions as set out in this draft legislation rather than the existing Northern Ireland provisions of the 1983 Act.
  31. Secondly, it is possible that some Northern Ireland specific provision may still be required to deal with the unique circumstances there. For example early discussions with the Chief Electoral Officer have indicated that there may still be a case for retaining the need for signatures in Northern Ireland and that much more work will need to be done on the implications of removing this requirement from primary legislation. Any positive or negative change in the security situation may also require the addition or removal of Northern Ireland specific legislative protections.
  32. There is currently no provision in this draft legislation to make any changes to the legislation which applies in Northern Ireland arising from the introduction of IER in the rest of the UK. However it is our intention to allow for such a provision in the final legislation. There are a number of ways in which this might be achieved that need to be considered further; but it is likely that this may include an order making power to make the necessary amendments. **In the meantime, we would welcome any views on the best approach to take on this issue.**



# The Detailed Proposals

## The current system of electoral registration

33. Currently 387 Registration Officers maintain electoral registers containing over 46 million elector records across the UK. In Great Britain there is no central database of elector records and nor do we have any plans to introduce one. The management of electoral registration is a function best carried out by EROs because they best understand the needs of their areas.
34. The system for registering to vote in Great Britain has remained substantially the same since the early twentieth century. Electors register to vote through the annual canvass of households conducted by EROs in the autumn of each year. Since 2001 electors have also been able to register at any time throughout the year under a system known as 'rolling registration'. In 2006 this system was adapted to allow electors to register up to 11 working days before an election when previously it would have been 6 to 8 weeks.
35. The purpose of the annual canvass is to help EROs to maintain their registers by identifying persons who are eligible to be included but are not registered, and those who are registered but no longer eligible. Canvass forms are often pre-populated with the information from the current register and a member of each household is required to either amend or confirm the information. The canvass forms are dispatched to households by post and the household may confirm details by post (and in many cases by telephone, SMS text or the internet where no changes have occurred). If changes are recorded on the form then it must be signed and returned to the ERO. There is no facility that allows for this information on changes to the register to be submitted in any other format. The register is compiled from these returned canvass forms and published by 1 December each year. Where a registered elector does not respond to the canvass they may be carried forward onto the new register for one year where an ERO has no evidence that they are no longer resident at that address.
36. Outside of the canvass period eligible electors can register using the rolling registration process, where they complete a form individually and send it to the ERO. These are processed and updates to the register are published each month from January to September. Applications received after the expiry date for the September register will be included in the register published on conclusion of the annual canvass.



37. The ERO is required to consider the content of each application for registration and make a determination on its inclusion in the electoral register based on a person's age, residence and nationality. Currently for both the canvass and the rolling registration processes no proof of eligibility is required, although an ERO may refuse to register a person if it does not appear that the applicant is eligible.
38. Under the Representation of the People Act 1983 those entitled to register to vote at UK Parliamentary Elections are British citizens, 'qualifying' citizens of Commonwealth countries (those who have 'leave to remain' in the UK or do not require such leave) and citizens of the Republic of Ireland. These citizens are also entitled to register to vote in European Parliamentary and local elections, as are EU citizens. If the ERO determines that an application meets these criteria, and that the applicant will be over 18 or reach the age of 18 within a year of the forthcoming 1st December and is resident in the ERO's area, then this person will be included in the electoral register.
39. Applications for registration made under rolling registration are subject to a five working day objection period, which allows another person to make an objection to the ERO about an applicant's pending inclusion in the electoral register before the ERO makes a determination. Applications to register made on the canvass form are not subject to the five day objection period and the determination is made by the ERO during the canvass period. However once an elector is included in the register another person can make an objection to the ERO at any time, prompting a review of the registration concerned.
40. For certain special categories of electors a different system is in place. These electors are primarily those who do not meet the residence qualification required for registration as an ordinary elector but may still obtain registration due to their particular circumstances. Special category electors include:
- overseas electors, who can be defined as British citizens resident outside the UK;
  - HM Forces Service voters;
  - Crown servants and British Council employees;
  - declaration of local connection electors, who include people living in the UK but who have no permanent address or have no residential address; and
  - anonymously registered electors, defined as those who can register anonymously because their safety would be at risk if their name appeared on the register.

## Implementing IER in Great Britain

41. In developing these plans for implementation of IER we have consulted with various stakeholders including the Electoral Commission, AEA, SOLACE and devolved administrations. In addition, we have held discussions with organisations that have an interest in electoral matters, as well as groups who represent those least likely to be registered to vote, or who have specific requirements, including Scope and RNIB. To ensure data is handled securely we have discussed our proposals with the Information Commissioner's Office and organisations concerned about privacy. We are very grateful to all those who have contributed to these proposals and look forward to continuing our work with them as we develop detailed plans for implementation. **We also invite views from those who have not yet had the opportunity to engage with us.**

42. This draft legislation inserts new sections into the RPA 1983 to implement IER in Great Britain and replaces the legislation on IER passed by Parliament in the Political Parties and Elections Act 2009. The legislation deals first with the new requirements for individual registration and verification process (clauses 1 and 2), followed by the provisions relating to proxies, the annual canvass, transitional arrangements and then the more consequential and technical changes (although it should be noted that the draft legislation does not include the comprehensive consequential amendments to other legislation that would be included in a full bill).
43. In summary the measures set out in this draft legislation will:
- set out the steps an elector must take to apply to register under IER;
  - enable provision for the verification of electors making applications under IER;
  - set out how the annual canvass will operate when IER is in force;
  - set out the transitional arrangements for 2014 and 2015;
  - provide for a power to amend or abolish the annual canvass, subject to a further decision by Parliament; and
  - repeal sections 30-34 of the Political Parties and Elections Act 2009 (PPE Act) concerning the previous voluntary and compulsory scheme of IER that has not been commenced.

*Applications for registration (Clause 1 and Schedule 1)*

44. When IER is introduced, an application for registration must be made by each person individually to the ERO for the area in which they are applying to be registered. It will be a matter of choice for the individual if they wish to register. To help ensure forms are of a consistent standard and are user tested it is proposed that EROs will provide potential electors with forms in a format designed by the Electoral Commission for the purpose of registering.
45. To ensure that a range of channels for registration can be offered, and that the system can adapt to future developments, clause 1 has been drafted so that alternative ways of applying can be prescribed in secondary legislation. It is the Government's intention that this will enable EROs to accept individual applications, for example, by telephone or online. On receipt of an application for registration it must appear to the ERO that the person making the application is eligible, and that the application is being made by the person who is named. Details on how the process will be carried are set out in paragraphs 47 to 52 below.
46. **We would be grateful for views on whether this clause provides an appropriate legislative basis for the introduction of IER and the flexibility required for development of new channels for registration.**

*Verification of entitlement to register (Clause 2)*

47. A key element of the new system of registration is that an ERO should be satisfied that each application for inclusion in the electoral register is made in respect of a person who is eligible to register (including that the person actually exists), and that the person making the application is the person who is the subject of the application. As now, an ERO should also be satisfied that the

address in respect of which the application is made is genuine, but the process for registration should also establish that there is evidence of a connection between the individual and the address to determine residence.

48. An appropriate balance must be struck between security and accessibility. The process for registration must remain easy to understand and be universally accessible, but must be sufficiently robust to tackle fraud. Clause 2 of the draft legislation will achieve this by amending Schedule 2 of the RPA 1983 to provide powers to set out in regulations detail on the contents of an application for registration, including the evidence an elector must provide for the purpose of verification.
49. As part of the process of registration each individual will therefore be required to provide identifying information as part of an application to register to enable the ERO to satisfy these requirements. Our starting point, which is similar to the arrangements in the 2009 legislation, is to require each person to provide their NINO and DOB. The NINO and DOB can be checked against Department for Work and Pensions (DWP) or HM Revenue & Customs (HMRC) data to allow the ERO to assure himself that the application is made in respect of a real person. The identifying information should also satisfy an ERO that the person making the application is indeed the person who is the subject of the application. It is our intention to set out these requirements in regulations made under clause 2.
50. We have considered whether the requirement in the 2009 Act to provide a signature should remain. Our current intention is not to include this as a requirement because it does not add any significant security to an application nor is there the facility to verify the authenticity of the signature. Dropping this requirement will also enable registrations to be made through new channels such as online or by telephone. However we will continue to work with the Police and others to ensure that the new processes are as robust as possible. The legislation retains the option for a signature to be prescribed in regulations.
51. Regulations will also set out details on the exceptions process that EROs must follow in respect of those who are unable or are unwilling to provide the specified identifying information, or whose identifying information is not successfully verified when checked. It is important that this process is equally accessible and robust. Such electors will therefore be asked to provide other forms of evidence to satisfy the ERO such as a passport, photo driving licence, or other forms of approved documentation to be listed in the regulations. Our current thinking is that this will require two items from a specified list, including photographic identification; where an elector is unable to provide this an alternative would be to require non-photographic identification combined with attendance at the electoral office. We will study the approach taken in Northern Ireland where electors must already provide evidence to prove that they are resident but may sign a declaration if they are unable to provide any of their identifying information. We will also seek input from Electoral Administrators and others as we develop these proposals.
52. In time other forms of verification may become available which means that a person may not be required to produce their NINO and DOB when making a new application to register – the legislation has been drafted with this in mind. On 18 May 2011 the Government announced plans for the development of a consistent, customer-centric approach to digital identity assurance across all public services. The intention is to create a market of certified identity assurance services delivered by a range of private sector and mutualised suppliers so that people will be able to use the service of their choice to prove their identity when accessing any public service. The draft legislation will allow digital identity assurance to be used in future to verify an application to be added to the electoral register. Additionally it may be possible for verification to take place at local

authority level using similar local arrangements. We will monitor these developments with a view to improving the verification process if it helps to simplify the system and encourages more people to register.

#### *New offence*

53. As mentioned above, the Government will put secure handling of personal data at the heart of the new system. We are therefore proposing to introduce a new offence in regulations relating to the disclosure of any information provided for verification purposes – whether that is provided by the applicant, or provided by another authority (e.g. DWP) in response to a verification check. This would ensure robust protection for identifying information appropriate to the sensitivity of the information concerned. This offence would carry an appropriate penalty consistent with the similar offences relating to the unlawful disclosure of information under provisions in the Political Parties and Elections Act 2009. The level at which the penalty is set reflects the penalty for the unlawful disclosure of personal information held by the Department for Work and Pensions.

#### *Address verification*

54. As outlined above another key element of verification is that the address is a genuine one and that there is evidence of a connection established between the person and the address to determine residence.
55. EROs are already required to ensure that addresses on their register are matched with those on their Local Land and Property Gazetteer. This has helped EROs to verify that addresses at which people seek to apply to register are genuine residential addresses. This should continue to be sufficient for the purposes of the new legislation.
56. We envisage that evidence of a connection between an individual and an address should be established either by an individual responding to a direct invitation by an ERO which has been sent to a known address (for example via the current canvass process), or where an unsolicited application takes place (for example online), by the ERO seeking confirmation of registration by writing to the individual at their address. The ERO will create an audit trail through sending a document containing a unique identifying number (UIN), or code, in the post to the applicant. The applicant will be required to return the UIN or code to activate their registration. Processes will need to ensure that a UIN or code sent by post is not re-directed to another address because the value of this process lies in the fact that the post is delivered to and returned from a specific physical location.
57. In future it may be possible to dispense with this stage if verification of address can be carried out by other means. **In the meantime we would appreciate views on whether this should form part of the registration process and any impacts of requiring it.**

#### *Checking nationality*

58. When IER comes into force electors will be required to provide their nationality (as now) and their immigration status where relevant in their application form, so that the ERO can determine their entitlement to be registered. Under current legislation an ERO can request evidence of nationality from an applicant at any time. However we are exploring whether EROs can be given a facility to check nationality and immigration status with the United Kingdom Border Agency or another entity. **We would welcome views on whether the current system is sufficient for checking nationality or whether it should be improved.**

*Destruction of records*

59. Clause 2 will allow for the creation of regulations governing the retention and destruction of records associated with IER to ensure that personal information, such as the NINO or paper version of an application for registration, are not held for longer than it is needed. We anticipate that once an application has been verified the applicant's NINO will be destroyed within a period of 6 months. However we wish EROs to retain the DOB as this would be used to help to identify ineligible duplicate entries in another ERO's register and make the process of data matching the electoral register against other data sources easier.
60. If a person is resident in more than one place, dual registrations in the electoral register are allowed. For example students or persons working away from home. However where an entry remains in the register but a person has moved or registered at multiple addresses this may cause inaccuracies in the register that should be identified and removed. Checking a common name in all electoral registers could create thousands of matches making the process of identifying ineligible duplicate entries impossible. However the DOB would reduce the number of matches significantly and help to identify those ineligible duplicate entries that should be reviewed.

*Provisions for the transition to the new system in 2014 and 2015 (Schedule 3)*

61. The transition to IER must be handled carefully. Schedule 3 of the legislation details how the transition to IER will operate, including the canvass processes in 2014 and 2015. Learning from the experience of the overnight transition to IER in Northern Ireland we have designed a system that will run over two annual canvasses from 2014, putting in place a safeguard for the General Election in 2015 so that existing electors who fail to register under IER in 2014 are not removed from the register. Additionally from 2015 the annual canvass which is only mandatory in Northern Ireland every 10 years, will continue to check the accuracy and completeness of the electoral register. Following the canvass in 2014 the electoral register will consist of electors who have made an individual application under the new system as well as electors registered before 2014 but who have not yet registered under IER. Upon conclusion of the 2015 canvass the electoral register will consist only of electors who have been registered under IER, save for some Service voters – see paragraph 98 below. Full details of the transitional arrangements are outlined below.
62. In respect of other categories of electors: overseas electors, HM Forces Service voters, Crown servants and British Council employees, electors anonymously registered, electors making a declaration of local connection, such as prisoners held on remand in a penal institution and those registering as resident at a mental hospital or where they are held on remand (this does not apply to convicted prisoners) the process will be the same as it is now. The legislation covering such registrations will continue to fall outside of the annual canvass arrangements and last for a fixed period of time.

*Amendment to current offences*

63. It is currently an offence to fail to comply with a request for information from an ERO, or to give false information to an ERO. Any person that refuses to supply information is liable to a maximum fine of £1,000 under Regulation 23 of the Representation of the People (England and Wales) Regulations 2001 and the Representation of the People (Scotland) Regulations 2001 (RPR 2001).
64. While we strongly encourage people to register to vote the Government believes the act is one of personal choice and as such there should be no compulsion placed on an individual to make an application to register to vote. However it is important that everyone is given the opportunity to

register and understands what they must do if they want to apply. Upon implementation of IER in 2014 it will therefore be a personal choice whether to respond to the ERO's request to complete an IER application form.

65. The situation is different for a household canvass. If one member of the household does not reply it has the potential to disenfranchise others in the household who may be eligible to register to vote and for this reason we intend that the current offence under Regulation 23 of the RPR 2001 and the equivalent in Scotland will apply to the household canvass only, thus allowing those who fail to respond to an enquiry to be prosecuted, but not to those who choose not to return an individual application form.

### Annual Canvass – 2014

66. Under these proposals the first IER canvass will begin on 1 July 2014 and conclude when the revised register is published by 1 December 2014. From 1 July 2014 onwards an ERO will send a personally addressed IER application form to every elector on their register. The canvass will no longer be tied to a reference date of 15 October as an IER application will be deemed made on the date it was signed by the applicant.
67. The revised electoral register published in 2013 and monthly updates from 1 January 2014, up to and including 1 July 2014 will identify those electors who should be sent a personally addressed individual IER application form during the canvass period. For households where there is no currently registered elector, or where the ERO is aware that the entry on the register is no longer correct, a form will be sent to the household to identify potential eligible electors. An alternative would have been to carry out a full household canvass in 2014, followed by a write out on conclusion of that canvass. However our view is that as well as being more expensive, and compressing the timetable for registration ahead of the 2015 General Election, a canvass followed by invitation risks confusing people who may not respond to an IER invitation having already responded to a canvass – believing that they have already done enough to register.
68. There may be a case for these applications to be issued by all EROs at the same time and possibly on the same day, or within a specified period so that the benefit of any public awareness campaign run by the Electoral Commission is achieved. **We have discussed this with the Electoral Commission and AEA and would welcome views from others on the timing of the first IER write out to individuals.**
69. Section 9A of the RPA 1983 requires an ERO to take all necessary steps to comply with the general duty of maintaining the register, including sending the canvass form more than once, making house to house inquiries and inspecting records that the ERO is permitted to inspect. These duties will continue to apply. Non-responders to the write out should be sent at least one reminder and receive a visit from a doorstep canvasser if they ignore the request. The ERO will also still be required to undertake the appropriate steps under section 9A when conducting the annual canvass.
70. We propose that each individually addressed IER application form include an insert which asks for the details of any other occupants residing at the address who have not received an IER application form. This insert may also ask other occupants to make contact with the ERO. This approach will help to identify, for example, attainers and people moving into Houses of Multiple Occupation. Personally addressed IER application forms will be issued by the ERO to any person(s) recorded on a returned insert.



71. Any IER application forms returned undelivered by the Royal Mail will provide the ERO with information on whether an elector is no longer eligible to remain registered. There is potential for the envelope containing the application form to inform the household to 'return the envelope' if the elector is no longer resident, and for that person and others to 'make contact with the registration officer' if they are not registered.
72. In addition to the individual write out to registered electors the ERO will make enquiries (starting with sending a household enquiry form (HEF<sup>10</sup>) (see paragraphs 83 to 85) of all properties where no electors are registered, including new homes or residential properties where he thinks registered electors no longer live. They should ask for details of all persons living in the property. Non-responding properties will be followed up and the ERO may opt to send a doorstep canvasser if necessary. The ERO will also have the discretion to send a HEF to an address where they have also sent a personalised invitation to register.
73. Personally addressed IER application forms will be issued by the ERO to any person(s) identified from these enquiries. In the event that Data Matching is in operation and the ERO has details on the occupants of a property then personally addressed IER application forms may be issued instead of a household form. These forms could also include an insert as described above. Non responders must be followed up as required under the duty in section 9A of the RPA 1983.
74. The legislation will also allow provision to be made that will allow a person to respond to an invitation to register by indicating that they do not wish to be chased. This will enable the ERO not to ask them to register again during that canvass period. It will not be possible for an elector to declare that they do not wish to be registered on a permanent basis. This approach will ensure that people are not repeatedly asked to register during a canvass period when they have no intention of doing so and that EROs direct their resources to finding eligible electors who want to be registered.
75. Eligible electors who inform their EROs that they do not want to be chased up and invited to register will have their details held on a temporary list for the purpose of ensuring that no further contact is made within a specified period, such as during the annual canvass. This list will not be made available for inspection, will be created solely for the purpose of ensuring that the person's wishes are respected and will be destroyed within a specified period.

#### *Carry forward arrangements in 2014*

76. Electors who fail to respond to the first IER canvass in 2014 will be carried forward in the revised electoral register to be published upon conclusion of the canvass unless the ERO determines that the registration is ineligible. Additionally, any electors who respond but who fail to complete the application process successfully will be carried forward in the revised electoral register unless the ERO has evidence that they are not eligible. This will ensure that these groups of electors are registered to vote for the General Election in 2015.
77. Electors who were carried forward under existing arrangements in 2013 will be removed from the register if they fail to respond to the canvass in 2014. Where such electors do respond but fail to complete the application process successfully they will be carried forward in the next register unless the ERO has evidence that they are not eligible.

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<sup>10</sup> The legislation refers to 'canvass forms' for the 2014 canvass onwards. This document is in the White Paper referred to as the 'Household Enquiry Form' to make the distinction clear between the current canvass and the post 2014 canvass.

78. During the annual canvass of 2015 the ERO will send an IER application form to anyone who was carried forward in 2014 because they failed to respond to the canvass, or they responded but failed to complete the application process successfully. This group of electors will be reminded that if they fail to register under IER they will be removed from the electoral register when it is published.

#### *Absent voting 2014-15*

79. Electors with an absent vote who fail to register under IER in 2014 will automatically lose the right to use this method of voting and the ERO, as part of the write out and reminder process, must inform them of this fact. Electors who lose their absent vote may still be included in the published register under the carry forward arrangement mentioned above, which will allow them to vote at a polling station. Where appropriate EROs will notify electors who have lost their absent vote of the action they must take if they wish to have it reinstated: this will need a fresh application upon being registered under IER. These forms should be included with the notification.

#### *Proxies (Clause 3)*

80. Currently a nominated proxy only needs to be eligible to register for the election for which they have been nominated to vote. When IER comes into force a proxy must be registered under this new arrangement as well. For this reason Clause 3 of the draft legislation will introduce a requirement for the proxy to be registered under IER in either Great Britain or Northern Ireland.

### **The Annual Canvass from 2015 (Clauses 4 and 5)**

81. From 1 July 2015 the annual canvass will continue to request data on all persons resident in every household in the local authority area by making an enquiry of each residence. As in 2014 any IER applications received at any time during the year will be subject to the verification procedures.
82. If an ERO has received information from another source, such as Data Matching at any time of year, which reveals changes to a household, for example new occupant(s), he must send a personally addressed IER application form(s). This will also apply when the information is received through canvass responses.
83. The first step in the canvass in 2015 (and in future years) will be for the ERO to send a HEF to every residential property within his area. This is similar to the current annual canvass process in that someone will be required to provide information on other residents. However any potential electors identified by this will be followed up individually by the ERO. As in 2014 the role of the canvass will be an exercise in gathering information which may prompt action by the ERO to keep the register up to date, however unlike in 2014 HEFs will be sent to all residential properties.
84. The HEF must be pre-populated by the ERO with the names of those electors currently on the electoral register at the address to which it is being sent. The timing of the dispatch of HEFs is expected to be a matter for EROs but we will want to consider whether in future this should be within a specified period to maximise the effects of any information campaign being run by the Electoral Commission.
85. There will be no requirement in 2015 (and subsequent years) for electors who have already registered individually and been verified to repeat the same process again. Instead, electors who have been authenticated will remain registered on a continuous basis unless either (i) they notify the ERO that their details have changed, (ii) the annual canvass suggests they are no longer resident, prompting the ERO to make a determination on whether the registration should continue



or (iii) information from other sources, including other information held by the local authority (and potentially in the future, Data Matching with national data), prompts the ERO to make further enquiries and consider whether to make a determination on whether the registration should continue.

#### *Response to a household enquiry form*

- 86.** Where the HEF is completed and returned to the ERO the information provided will be used to identify:
- a. those currently on the electoral register who remain eligible;
  - b. new occupants or attainers who should be invited to register to vote; and
  - c. electors who appear no longer to be resident because their pre-populated details have been deleted by the member of the household who completed the form.
- 87.** Where the HEF advises that there is no change in respect of a registered elector then that person's entry will be retained in the revised register unless the ERO has other evidence that the person is no longer eligible to be registered at that address. New occupants must be sent a personally addressed pre-populated IER application form inviting them to register. In relation to any person deleted on the HEF the ERO should consider whether to remove the person from the register.
- 88.** If a HEF is returned after publication of the revised register then the ERO must use this information to maintain the accuracy of the register. This may include making further enquiries in respect of any deletions on the form and sending fresh IER application forms to new individuals recorded on the form.

#### *Non-response to a household enquiry form*

- 89.** If there is no response to the HEF from a residential property during the canvass then the ERO must where appropriate follow the steps set out in s9A of the RPA 1983, including sending the form more than once and instructing a door step canvasser to visit the property. IER application forms issued to electors, but not returned, will also be followed up for a response.
- 90.** If a household fails to return a HEF by the conclusion of the annual canvass then the ERO must consider whether those currently registered individually still have an entitlement to remain in the electoral register to be published. Non response to a HEF should not automatically result in eligible electors being removed from the electoral register without some form of investigation by the ERO. Under the s9A duty the ERO should actively inspect records that they are permitted to inspect for the purpose of maintaining the register, and where there is doubt about an elector's entitlement to remain registered the ERO should undertake a review of the registration by following the reviews process set out in the RPR 2001.

#### *Publication of the electoral register*

- 91.** Upon conclusion of the 2015 annual canvass the ERO will be required to publish the revised electoral register by 1 December. This register will be made up solely of electors who have registered individually. Monthly updates under rolling registration arrangements will then take place, as now.

## Power to amend or abolish the annual canvass (Clauses 6 and 7)

92. Provisions at Clause 6 will allow the amendment or abolition of the annual canvass in Great Britain, replacing current arrangements with limited canvassing or alternative methods for obtaining information in order to update the electoral register. Northern Ireland abolished the annual canvass in 2006 and now operates a system of 'continuous registration', under which a canvass is conducted every ten years or earlier if recommended by the Chief Electoral Officer and agreed by the Secretary of State. In between times the electoral register is updated using Data Matching, or by electors applying for registration under rolling registration.
93. The current canvass system in Great Britain operates via a household canvass on an annual basis; given that the majority of the population do not change address between canvasses it may be possible to replace this with a system which updates the register more efficiently and effectively. An alternative approach to maintaining the register could be similar to that in place in Northern Ireland. This will depend on the evidence on the effectiveness of Data Matching from this year's schemes and experience from the transition to IER. However at this stage there is no plan to change the canvass arrangements.
94. The timing of any change to the annual canvass is not fixed in this legislation. Instead there is a power to allow the Minister to introduce the change by order subject to the resolution of both Houses of Parliament. Before taking this step the Minister would notify the Electoral Commission, and within 3 months of that notification the Commission would be required to report to the Minister on any proposed change to the annual canvass. This report would be laid before Parliament with the draft order. Legislation will also allow for the canvass to be fully reinstated should that prove necessary in subsequent years.
95. **We would welcome views on our proposed approach.**

## Special category electors, including Service voters

96. The new system of IER will affect all electors registering to vote in Great Britain, including special category electors such as: overseas electors, HM Forces Service voters, Crown servants and British Council employees, electors making a declaration of local connection and anonymously registered electors. An application can be made at any time during the year by these electors and once approved by the ERO is live for a period of one year (5 years for Service personnel and their spouses).
97. We have considered the impact of implementing IER on these groups and have recommended that at the time of being invited to renew their declaration (within 3 months preceding expiry) certain electors registered through special category elector arrangements will be invited to register under IER.<sup>11</sup> Those who fail to register under IER would drop off the register when their registration expires. Under this proposal electors with certain declarations would have been invited to register under IER by the end of July 2015. An alternative would be to invite these electors to register under IER when the canvass write-out commences in July 2014. However this could cause confusion for those that have had a registration approved in the preceding months who are then asked to re-register.
98. Service personnel and their spouses with a live Service declaration in force at the time IER is implemented will also not be required to provide their identifying information until their

<sup>11</sup> Reminders are not sent to electors who have registered as resident at a mental hospital or where they are held on remand.

declaration has expired. Just like other category of electors all new and subsequent applicants will be required to register individually prior to being placed on the register. This transitional arrangement will ensure that additional barriers are not put in place for this category of elector and means a Service voter may remain registered under a Service declaration until July 2019.

99. We will also look at improving electoral registration rates among Service voters. There is concern that at present registration among Service personnel is low and experience at the recent election illustrated the practical difficulties of Service personnel casting their votes while deployed overseas. While Service voters can register either as ordinary electors or by way of a Service declaration, levels of registration are low in comparison with the general population. The Ministry of Defence's Service Voter Survey 2009 estimated that 74% of Service personnel were registered to vote, and amongst those personnel stationed overseas this fell to 40%. Some of the Data Matching pilot schemes are therefore focussed on Service personnel in particular and the overall scheme design will look at how the electoral registration system can better support Service voters.

**100. We would welcome views on our transitional proposals for special category electors.**

### Impact on the elderly, disabled or those in care

101. We recognise that the elderly and disabled persons, including those in care, may have special requirements arising from the new system as each person will now need to complete a form and provide identifying information if they wish to register to vote. This time burden may be extended to carers of the people falling into these groups. We have started discussions with those representing these groups and invite them, and others with similar issues, to work with us to help develop our detailed plans for implementation. The introduction of IER is an opportunity to modernise and improve our system of electoral registration, by enabling new channels for registration for example, and we hope that this in particular will help improve the accessibility of the system.

# Draft clauses and Schedules

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## CONTENTS

### *Individual electoral registration in Great Britain*

- 1 Individual registration
- 2 Verification of entitlement etc
- 3 Proxies to be registered electors
- 4 Annual canvass
- 5 Invitations to register
- 6 Power to amend or abolish annual canvass
- 7 Consulting Electoral Commission about proposals under section 6

### *Final provisions*

- 8 Minor and consequential amendments
- 9 Interpretation
- 10 Commencement
- 11 Transitional provision
- 12 Extent

- 
- Schedule 1 – Register of electors: alterations and removal
  - Schedule 2 – Minor and consequential amendments
  - Schedule 3 – Transitional provision
    - Part 1 – Introduction
    - Part 2 – Removal of existing registrations by end of 2015 canvass
    - Part 3 – Encouraging new applications in 2014 and 2015
    - Part 4 – Absent voting
    - Part 5 – Persons with existing registrations by virtue of declarations etc
    - Part 6 – Persons with existing registrations by virtue of section 7(2) or 7A(2) of the 1983 Act
    - Part 7 – Interpretation



*Individual electoral registration in Great Britain***1 Individual registration**

- (1) After section 10ZB of the 1983 Act insert –

**“10ZC Registration of electors in Great Britain**

- (1) A registration officer in Great Britain must enter a person (“P”) in a register maintained by the officer if –
- (a) an application for registration is made by someone who appears to the officer to be P,
  - (b) any requirements imposed by or under this Act in relation to the application are met, and
  - (c) P appears to the officer to be entitled to be registered in the register.
- (2) An application under this section must be made –
- (a) on a form determined by the Electoral Commission, or
  - (b) in such other manner as may be prescribed.
- (3) Regulations under subsection (2)(b) may confer functions on the Electoral Commission.
- (4) In determining an application under this section, the officer must consider any objection made in accordance with the prescribed requirements by another person whose name appears in the register.
- (5) Registration officers in Great Britain must have regard to any guidance issued by the Secretary of State about the determination of applications under this section.
- (6) The guidance that may be given includes guidance about the process for determining whether the conditions in subsection (1) are met and the relative weight to be given to different kinds of evidence.
- (7) Regulations may make provision about the procedure for determining applications under this section.”
- (2) Schedule 1 (alterations of register and removal from register) has effect.

**2 Verification of entitlement etc**

- (1) Schedule 2 to the 1983 Act (provisions which may be contained in regulations as to registration etc) is amended as follows.

- (2) In paragraph 1, after sub-paragraph (2) insert –
- “(2A) The provision that may be made under sub-paragraph (2) includes, in particular, provision authorising or requiring a registration officer in Great Britain to –
- (a) require a person who is making, or who has made, an application under section 10ZC or 10ZD to provide evidence (or evidence of a prescribed kind) that he or she is the person named in the application;
  - (b) require a person to provide evidence (or evidence of a prescribed kind) for the purpose of enabling the officer to determine whether a person is entitled to be registered in a register maintained by the officer.
- (2B) Examples of the evidence that a person may be required to provide by virtue of provision made under sub-paragraph (2A) include the person’s date of birth or national insurance number.”
- (3) After paragraph 3 insert –
- “3ZA(1) Provision about applications under section 10ZC or 10ZD, including in particular –
- (a) their contents, and
  - (b) the form and contents of declarations to be made in connection with them.
- (2) Provision requiring a person making such an application –
- (a) to provide prescribed evidence that he or she is the person named in the application;
  - (b) to provide prescribed evidence of entitlement to be registered.
- (For examples of evidence that may be prescribed, see paragraph 1(2B).)
- (3) Provision made under paragraph 1(2) may include provision –
- (a) in a case where an applicant is unable or unwilling to provide such evidence, for the purpose of obtaining alternative evidence;
  - (b) in that or any other case, for the purpose of obtaining additional evidence.”

(4) After paragraph 8A insert –

“8B (1) Provision requiring information provided to a registration officer in Great Britain –

    - (a) by a person who is making, or who has made, an application under section 10ZC or 10ZD, or
    - (b) by any other person by virtue of provision made under paragraph 1(2A)(b),

to be checked against information held by others for the purpose of enabling the officer to verify that information.

(2) The provision that may be made under sub-paragraph (1) includes, in particular –

    - (a) provision requiring the registration officer or a service provider to disclose information mentioned in sub-

- paragraph (1) for the purpose of enabling others to check that information;
- (b) provision requiring information to be disclosed by others for the purpose of enabling the registration officer or a service provider to check information mentioned in sub-paragraph (1);
  - (c) provision authorising the registration officer and a service provider to disclose information to each other.
- (3) In sub-paragraph (2) “service provider”, in relation to a registration officer, means a person providing services to the officer.
  - (4) Provision under this paragraph may confer functions on persons other than the registration officer.
  - (5) Provision under this paragraph has effect despite any statutory or other restriction on the disclosure of information.
- 8C (1) Provision about the keeping or disposal of information –
- (a) obtained by a registration officer in Great Britain by virtue of provision made under paragraph 1(2) or 3ZA;
  - (b) obtained by any person by virtue of provision made under paragraph 8B.
- (2) Provision imposing prohibitions or restrictions on the disclosure of such information.
- 8D (1) Provision authorising a registration officer in determining an application under section 10ZC or 10ZD, in prescribed cases, to treat a prescribed person’s statement of a fact as sufficient evidence of that fact.
- (2) In sub-paragraph (1) “prescribed” includes of a prescribed description.”
- (5) In paragraph 13, after sub-paragraph (1ZA) insert –
- “(1ZB) Provision making a person who discloses information in breach of regulations made under paragraph 8C(2) guilty of an offence punishable –
- (a) on conviction on indictment, by imprisonment for a term not exceeding two years or a fine, or both;
  - (b) on summary conviction in England and Wales or Scotland, by imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum, or both;
  - (c) on summary conviction in Northern Ireland, by imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum, or both.”

### 3 Proxies to be registered electors

In paragraph 6 of Schedule 4 to the 2000 Act (absent voting in Great Britain), for sub-paragraphs (3) and (4) substitute –

- “(3) A person is not capable of being appointed to vote, or voting, as proxy at a parliamentary election unless the person is or will be registered in



a register of parliamentary electors in Great Britain or Northern Ireland.

- (3A) A person is not capable of being appointed to vote, or voting, as proxy at a local government election unless the person is or will be registered in a register of local government electors in Great Britain or Northern Ireland.
- (4) A person is not capable of being appointed to vote, or voting, as proxy at a parliamentary or local government election if the person is subject to any legal incapacity (age apart) to vote at that election as an elector.”

#### 4 Annual canvass

After section 9C of the 1983 Act insert –

##### “9D Maintenance of registers: duty to conduct canvass in Great Britain

- (1) Each registration officer in Great Britain must conduct an annual canvass in relation to the area for which the officer acts.
- (2) The purpose of the canvass is to ascertain –
- (a) the names and addresses of persons who are entitled to be registered in a register maintained by the officer but who are not registered;
  - (b) those persons who are registered in such a register but who are not entitled to be registered.
- (3) The canvass is to be conducted –
- (a) using a form determined by the Electoral Commission, or
  - (b) in such other manner as may be prescribed.
- (4) A registration officer may make house to house inquiries for the purpose of –
- (a) supplementing information provided to the officer in response to the canvass, or
  - (b) obtaining information where no information has been provided in response to the canvass.
- (5) Nothing in this section applies in relation to –
- (a) the registration of persons in respect of residence in penal institutions (within the meaning of section 3) or mental hospitals (within the meaning of section 7) or other places at which persons to whom section 7A applies may be detained,
  - (b) the registration of persons in pursuance of declarations of local connection, service declarations or overseas electors’ declarations, or
  - (c) the registration of persons with anonymous entries in the register.”

## 5 Invitations to register

After section 9D of the 1983 Act insert –

### “9E Maintenance of registers: invitations to register in Great Britain

- (1) A registration officer in Great Britain must send a person an invitation to apply for registration in a register maintained by the officer if –
  - (a) the officer is aware of the person’s name and address,
  - (b) the person is not registered in the register, and
  - (c) the officer has reason to believe that the person is entitled to be registered in the register.
- (2) Regulations may make provision in connection with invitations under subsection (1), including –
  - (a) provision about the sending of invitations (for example, how often they must be sent);
  - (b) provision for exceptions to the duty in subsection (1) in relation to people who have been sent invitations and have indicated that they do not wish to receive further invitations for a period specified in the regulations;
  - (c) provision requiring invitations to be accompanied by application forms or other documents (including partially completed application forms);
  - (d) provision that an application form accompanying an invitation must enable a person who does not wish to apply for registration to indicate on the form that the person does not wish to receive further invitations for a period specified in the regulations.
- (3) Regulations under subsection (2)(b) may in particular –
  - (a) require a registration officer to keep a record of people who have indicated that they do not wish to receive invitations, and
  - (b) provide for the disposal of that record after a specified period.”

## 6 Power to amend or abolish annual canvass

- (1) The Minister may by order made by statutory instrument make provision for the purposes of enabling registration officers in Great Britain to ascertain –
  - (a) the names and addresses of persons who are entitled to be registered in a register but who are not registered;
  - (b) those persons who are registered in a register but who are not entitled to be registered.
- (2) The Minister may by order made by statutory instrument –
  - (a) amend section 9D of the 1983 Act or any other provision relating to a canvass under that section;
  - (b) abolish the duty to conduct a canvass under that section.
- (3) If the duty to conduct a canvass is abolished, the provision that may be made under subsection (1) includes provision reinstating the duty.
- (4) An order under this section may create offences, but it may not –
  - (a) provide for an offence to be punishable on conviction on indictment by imprisonment for a term exceeding two years;

- (b) provide for an offence to be punishable on summary conviction by imprisonment for a term exceeding the relevant maximum;
  - (c) provide for an offence to be punishable on summary conviction by a fine exceeding the statutory maximum or level 5 on the standard scale (as appropriate).
- (5) In subsection (4)(b) “the relevant maximum” –
- (a) in relation to an offence triable either on indictment or summarily, means –
    - (i) in England and Wales or Scotland, 12 months, and
    - (ii) in Northern Ireland, 6 months;
  - (b) in relation to an offence triable only summarily, means –
    - (i) in England and Wales, 51 weeks, and
    - (ii) in Scotland or Northern Ireland, 6 months.
- (6) An order under this section may confer power to make secondary legislation and, if it does so, must provide –
- (a) that the secondary legislation is to be made by statutory instrument, and
  - (b) that the instrument may not be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.
- (7) An order under this section –
- (a) may amend, repeal or revoke any Act (including this Act) or secondary legislation (whenever passed or made);
  - (b) may apply generally or only in specified cases, circumstances or areas;
  - (c) may make different provision for different cases, circumstances or areas;
  - (d) may make consequential, supplementary, incidental, transitional or saving provision.
- (8) A statutory instrument containing an order under this section may not be made unless –
- (a) a draft of the instrument has been laid before and approved by a resolution of each House of Parliament, and
  - (b) if applicable, the requirement in section 7(5) has been met.
- (9) In this section “secondary legislation” means an order, rules or regulations made under an Act (including an order made under this Act).

## **7 Consulting Electoral Commission about proposals under section 6**

- (1) If the Minister consults the Electoral Commission about a proposal to make an order under section 6, the Commission must prepare a report assessing –
- (a) the extent to which the objective in subsection (2) is met,
  - (b) the extent to which the objective would be met if the order were made, and
  - (c) the merits of alternative ways of achieving the objective.
- (2) The objective is to enable registration officers in Great Britain to ascertain –
- (a) the names and addresses of persons who are entitled to be registered in a register but who are not registered;
  - (b) those persons who are registered in a register but who are not entitled to be registered.

- (3) The Electoral Commission must give the report to the Minister no later than 3 months after the date on which it is consulted.
- (4) A registration officer in Great Britain must comply with any request made by the Electoral Commission for information that it reasonably requires in connection with the preparation of a report under this section.
- (5) When a draft of a statutory instrument containing an order under section 6 is laid before Parliament, it must be accompanied by a report under this section, unless the instrument contains provision only for the purpose of reinstating the duty to conduct a canvass as mentioned in section 6(3).

### *Final provisions*

## **8 Minor and consequential amendments**

- (1) Schedule 2 (which makes minor and consequential amendments) has effect.
- (2) In article 3 of the Lord President of the Council Order 2010 (S.I. 2010/1837) (which makes certain functions of the Secretary of State exercisable concurrently with the Lord President) the reference in paragraph (1) to the 1983 Act is to be read as a reference to that Act as amended by this Act.

## **9 Interpretation**

In this Act—

- “the 1983 Act” means the Representation of the People Act 1983;
- “the 1985 Act” means the Representation of the People Act 1985;
- “the 2000 Act” means the Representation of the People Act 2000;
- “the Minister” means the Lord President of the Council or the Secretary of State;
- “register” means a register of parliamentary electors or local government electors maintained by a registration officer in Great Britain.

## **10 Commencement**

This Act comes into force on 1 July 2014, apart from the following which come into force on the day it is passed—

- (a) section 9 (interpretation);
- (b) this section;
- (c) section 11(2) and (3) (power to make transitional provision or savings in addition to, or supplementing, that made by Schedule 3);
- (d) section 12 (extent).

## **11 Transitional provision**

- (1) Schedule 3 (which makes transitional provision) has effect.
- (2) The Minister may by order made by statutory instrument—
  - (a) make transitional provision or savings in addition to that made by that Schedule;
  - (b) make provision for supplementing, or provision incidental to, the provision made by that Schedule.

- (3) An order under subsection (2) –
  - (a) may apply generally or only in specified cases, circumstances or areas;
  - (b) may make different provision for different cases, circumstances or areas.
- (4) In relation to an offence committed in England and Wales before the commencement of section 154(1) of the Criminal Justice Act 2003, a reference in either of the following to 12 months is to be read as a reference to 6 months –
  - (a) paragraph 13(1ZB) of Schedule 2 to the 1983 Act (inserted by section 2(5) of this Act);
  - (b) section 6(5)(a) of this Act.
- (5) In relation to an offence committed in England and Wales before the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in section 6(5)(b) of this Act to 51 weeks is to be read as a reference to 6 months.

## **12 Extent**

An amendment or repeal by this Act has the same extent as the enactment amended or repealed.

## SCHEDULES

## SCHEDULE 1

Section 1

## REGISTER OF ELECTORS: ALTERATIONS AND REMOVAL

1 After section 10ZC of the 1983 Act insert –

**“10ZD Registration of electors in Great Britain: alterations**

- (1) A registration officer in Great Britain must alter the name or address in respect of which a person (“P”) is registered in a register maintained by the officer if –
  - (a) an application for alteration is made by someone who appears to the officer to be P,
  - (b) any requirements imposed by or under this Act in relation to the application are met, and
  - (c) P appears to the officer to be entitled to be registered in the register in respect of the new name or the new address (as the case may be).
- (2) Subsections (2) to (7) of section 10ZC apply in relation to an application under this section as they apply in relation to an application under that section.

**10ZE Removal of electors in Great Britain from register**

- (1) Where a person is entered in a register in respect of an address in Great Britain, the person is entitled to remain registered until the registration officer concerned determines that –
  - (a) the person was not entitled to be registered in respect of the address,
  - (b) the person has ceased to be resident at the address or has otherwise ceased to satisfy the conditions for registration set out in section 4, or
  - (c) the person was registered as the result of an application made by some other person or the person’s entry has been altered as the result of an application made by some other person.
- (2) Where a person’s entitlement to remain registered terminates by virtue of subsection (1), the officer must remove the person’s entry from the register.
- (3) A registration officer may make house to house inquiries for the purpose of deciding whether or not to make a determination under subsection (1).
- (4) Regulations may make provision about the procedure for making determinations under subsection (1), which may include provision

requiring an officer to take prescribed steps before making a determination.

- (5) A registration officer in Great Britain must consider whether to make a determination under subsection (1) if the officer –
  - (a) receives an objection to a person’s registration in a register maintained by the officer, or
  - (b) otherwise becomes aware of information that causes the officer to suspect that a condition in subsection (1)(a) to (c) may be met in relation to a person’s entry in such a register.
- (6) Subsection (5)(a) –
  - (a) applies only if the objection to the person’s registration is made in accordance with the prescribed requirements by someone whose name appears in the register, and
  - (b) does not apply if the person has an anonymous entry in the register.
- (7) Nothing in this section applies in relation to the registration of persons in pursuance of –
  - (a) applications for registration made by virtue of section 7(2) or 7A(2), or
  - (b) declarations of local connection, service declarations or overseas electors’ declarations.
- (8) In this section “resident” means resident for the purposes of section 4.”

- 2 In section 13A(1)(d) of the 1983 Act (alteration of registers to correct clerical errors), at the end insert “or, in the case of a registration officer in Great Britain, determines that the register contains any information that is incorrect.”

## SCHEDULE 2

Section 8

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Representation of the People Act 1983 (c. 2)*

- 1 The 1983 Act is amended as follows.
- 2 In section 7 (residence: patients in mental hospitals who are not detained offenders or on remand), in subsection (3), after paragraph (aa) insert –
  - “(ab) the registration officer determines in accordance with regulations that the person was registered as the result of an application under section 10ZC made by some other person or that the person’s entry has been altered as the result of an application under section 10ZD made by some other person, or”.
- 3 In section 7A (residence: persons remanded in custody etc), in subsection (3), after paragraph (aa) insert –
  - “(ab) the registration officer determines in accordance with regulations that the person was registered as the result of an



- application under section 10ZC made by some other person or that the person’s entry has been altered as the result of an application under section 10ZD made by some other person, or”.
- 4 In section 7C (effect of declaration of local connection), in subsection (2), after paragraph (aa) insert –
- “(ab) the registration officer determines in accordance with regulations that the person was registered as the result of an application under section 10ZC made by some other person or that the person’s entry has been altered as the result of an application under section 10ZD made by some other person.”.
- 5 (1) Section 9 (registers of electors) is amended as follows.
- (2) In subsection (2) –
- (a) for the words from the beginning to “register” substitute “Subject to any other provision of this Act, each register”;
- (b) for paragraph (a) substitute –
- “(a) the names of persons who appear to the registration officer to be entitled to be registered in it and in respect of whom a successful application for registration has been made;”.
- 6 In section 9A(1) (registration officers: duty to take necessary steps), at the end insert “and for the purpose of securing that, so far as is reasonably practicable, persons who are entitled to be registered in a register (and no others) are registered in it”.
- 7 (1) Section 9B (anonymous registration) is amended as follows.
- (2) For subsections (1) and (2) substitute –
- “(1) An application under this section (an application for an anonymous entry) may be made –
- (a) by any person, in conjunction with an application for registration under section 10ZC, or
- (b) by a person who already has an anonymous entry, for the purposes of remaining registered with such an entry (see section 9C(3)).
- (1A) An application for an anonymous entry must be made in accordance with prescribed requirements and must be accompanied by –
- (a) a declaration made in accordance with prescribed requirements, and
- (b) such evidence in support as may be prescribed.
- (2) A registration officer who receives an application for an anonymous entry must determine whether the safety test is satisfied (unless, in the case of an application under subsection (1)(a), the person’s application for registration has been rejected otherwise than by virtue of this section).”
- (3) In subsection (5), after “a person” insert “as the result of an application under subsection (1)(a)”.



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- (4) For subsection (6) substitute –
- “(6) If a person makes an application under subsection (1)(a) and the registration officer determines that the safety test is not satisfied, no entry is to be made in the register as a result of the person’s application under section 10ZC (whether an anonymous entry or otherwise).”
- (5) In subsection (7)(b), omit the words from “(including an application” to the end.
- 8 (1) Section 9C (removal of anonymous entries) is amended as follows.
- (2) In subsection (1), omit “in pursuance of the application for registration mentioned in section 9B(1)”.
- (3) In subsection (3), omit “a further application for registration accompanied by”.
- 9 (1) Section 10 (maintenance of the registers: duty to conduct canvass) is amended as follows.
- (2) Omit subsection (1).
- (3) In subsection (2), omit “(1) or”.
- (4) In subsection (3), after “canvass” insert “under this section”.
- (5) For subsection (4) substitute –
- “(4) The form to be used for the purposes of a canvass under this section must be a form prescribed for those purposes.”
- (6) In subsection (4A), omit “for the purposes of a canvass in Northern Ireland”.
- (7) In subsection (5), for “a registration officer” substitute “under this section the Chief Electoral Officer for Northern Ireland”.
- (8) In subsection (6), for “a registration officer” substitute “under this section the Chief Electoral Officer for Northern Ireland”.
- (9) In the heading, after “canvass” insert “in Northern Ireland”.
- 10 (1) Section 10A (maintenance of the registers: registration of electors) is amended as follows.
- (2) In subsection (1), for “A registration officer” substitute “The Chief Electoral Officer for Northern Ireland”.
- (3) In subsection (2A), omit “(subject to section 13BB(2))”.
- (4) In subsection (3) –
- (a) for “A registration officer” substitute “The Chief Electoral Officer for Northern Ireland”;
- (b) after “registration” insert “in Northern Ireland”.
- (5) Omit subsection (3B).
- (6) In subsection (4), before “asking” insert “in Northern Ireland”.
- (7) In subsection (5) –
- (a) after “in respect of any address” insert “in Northern Ireland”;

- (b) for “the registration officer concerned” substitute “the Chief Electoral Officer for Northern Ireland”;
  - (c) for “the registration officer is” substitute “the Officer is”.
- (8) In subsection (5A)(b), for “the registration officer” substitute “the Chief Electoral Officer for Northern Ireland”.
- (9) In subsection (5B), for “A registration officer” substitute “The Chief Electoral Officer for Northern Ireland”.
- (10) In subsection (6), for “the registration officer concerned” substitute “the Chief Electoral Officer for Northern Ireland”.
- (11) In subsection (7), for “a registration officer” substitute “the Chief Electoral Officer for Northern Ireland”.
- (12) In the heading, after “electors” insert “in Northern Ireland”.
- 11 In section 13(5)(b), for “13BB” substitute “13BA”.
- 12 (1) Section 13A (alteration of registers) is amended as follows.
- (2) In subsection (1) –
- (a) before paragraph (a) insert –
    - “(za) is required by section 10ZC(1) to enter a person in the register;
    - (zb) is required by section 10ZD(1) to alter a person’s entry in the register;”;
  - (b) in paragraph (a), after “registration” insert “in Northern Ireland”.
- (3) In subsection (5), for “, section 13B or 13BA below or section 13BB below” substitute “or section 13B or 13BA below”.
- 13 Omit section 13BB (election falling within canvass period).
- 14 In section 15 (service declaration), in subsection (2), after paragraph (aa) insert –
- “(ab) the registration officer determines in accordance with regulations that the person was registered as the result of an application under section 10ZC made by some other person or that the person’s entry has been altered as the result of an application under section 10ZD made by some other person,”.
- 15 (1) Schedule 2 (provisions which may be contained in regulations as to registration etc) is amended as follows.
- (2) In paragraph 1 –
- (a) in sub-paragraph (2), after “authorising” insert “or requiring”;
  - (b) in sub-paragraph (3)(a) –
    - (i) for “so required” substitute “by virtue of regulations under sub-paragraph (2) required”;
    - (ii) after “so registered” insert “or to determine whether the person is the person who made the application under section 10ZC or 10ZD”.

- (3) After paragraph 1 insert –
- “1A (1) Provision as to the information that a registration officer must request or provide when conducting a canvass in Great Britain (whether as part of a canvass form or otherwise).
- (2) Provision authorising or requiring a registration officer in Great Britain to complete canvass forms in part for people.
- (3) Provision as to the form and contents of declarations to be made by those responding to a canvass in Great Britain.”
- (4) In paragraph 3A (regulations as to form and content of applications for registration etc), after “registration” insert “in Northern Ireland”.
- (5) After paragraph 3B insert –
- “3C (1) Provision as to the steps to be taken by a registration officer conducting a canvass in Great Britain for the purpose of obtaining information where no response is received in respect of a particular address.
- (2) Provision as to the steps to be taken by a registration officer in Great Britain with a view to encouraging a person to make an application under section 10ZC or 10ZD in response to an invitation to do so made by the officer.”
- (6) In paragraph 5(2) (provision as to evidence of age or nationality which may be required), after “required” insert “by the Chief Electoral Officer for Northern Ireland”.
- (7) After paragraph 5A insert –
- “5B (1) Provision as to the steps that a registration officer in Great Britain must take, before appointing a person as proxy to vote for another, to ensure that the appointment complies with paragraph 6(3) or (3A) of Schedule 4 to the Representation of the People Act 2000.
- (2) Provision under sub-paragraph (1) may require another registration officer (including the Chief Electoral Officer for Northern Ireland) to provide information about whether the person has or will have an entry in a register maintained by that officer.”

*Representation of the People Act 1985 (c. 50)*

- 16 The 1985 Act is amended as follows.
- 17 In section 2 (registration of British citizens overseas), in subsection (2), after paragraph (aa) insert –
- “(ab) the registration officer determines in accordance with regulations that the person was registered as the result of an application under section 10ZC made by some other person or that the person’s entry has been altered as the result of an application under section 10ZD made by some other person,”.

*Political Parties and Elections Act 2009 (c. 12)*

- 18 The Political Parties and Elections Act 2009 is amended as follows.
- 19 Omit sections 30 to 34 (electoral registration: provision of identifying information).

## SCHEDULE 3

Section 11

## TRANSITIONAL PROVISION

## PART 1

## INTRODUCTION

*Applications for registration etc made before 1 July 2014*

- 1 The amendments made by this Act do not apply in relation to an application made before 1 July 2014 (even if it is determined later).

*Meaning of “new application for registration” and “successful” new application*

- 2 (1) For the purposes of this Schedule, a person (“P”) makes a “new application for registration” in a register maintained by a registration officer in Great Britain if—
- (a) an application for registration in the register under section 10ZC of the 1983 Act is made in respect of P, or
  - (b) an application for alteration of the register under section 10ZD of that Act is made in respect of P.
- (2) For the purposes of this Schedule, a new application for registration is “successful”—
- (a) in the case of an application within sub-paragraph (1)(a), if the officer determines that P is to be entered in the register (or that P would be entered in the register had P not already been registered);
  - (b) in the case of an application within sub-paragraph (1)(b), if the officer determines that P’s entry in the register is to be altered.

## PART 2

## REMOVAL OF EXISTING REGISTRATIONS BY END OF 2015 CANVASS

*Removal of certain existing registrations after 2014 canvass*

- 3 (1) A registration officer in Great Britain must, immediately before the publication of a register following the 2014 canvass, remove the entry of a person (“P”) if—
- (a) P’s entry was carried forward in 2013,
  - (b) P has not made a new application for registration in the register, and
  - (c) at the 2014 canvass, no canvass form has been completed and returned in respect of the address to which the entry relates.

- (2) For the purposes of sub-paragraph (1), P's entry on the register was carried forward in 2013 if—
- (a) P's entitlement to remain registered in the register terminated on the conclusion of the 2013 canvass by virtue of section 10A(5)(a) of the 1983 Act, but
  - (b) in accordance with regulations under section 10A(7) of that Act, P's entry was not removed from the register.

*Removal of existing registrations after 2015 canvass*

- 4 A registration officer in Great Britain must, immediately before the publication of a register following the 2015 canvass, remove the entry of each person who has not made a successful new application for registration in the register.

*This Part not to apply to persons within Part 5 or 6 below*

- 5 In this Part of this Schedule, references to a person who has an entry in a register do not include a person who is a relevant person for the purposes of Part 5 or 6 of this Schedule.

PART 3

ENCOURAGING NEW APPLICATIONS IN 2014 AND 2015

*Registration officers to invite applications in 2014 from those with existing registrations*

- 6 (1) A registration officer in Great Britain must, on or as soon as reasonably practicable after 1 July 2014, send an invitation to make a new application for registration in a register maintained by the officer to each person who—
- (a) has an entry in the register, but
  - (b) has not made such an application.
- (2) But the officer need not send an invitation at a time when the officer has reason to believe, from records available to the officer, that the person is no longer resident at the address to which the entry relates.

*2014 canvass forms need not be sent to addresses to which invitations sent*

- 7 At the 2014 canvass, a registration officer need not send a canvass form to—
- (a) any address in respect of which the officer sends a person an invitation under paragraph 6, or
  - (b) any address in respect of which a duty to send a person an invitation under section 9E of the 1983 Act arises on 1 July 2014.

*Registration officers to invite applications in 2015 from those with existing registrations*

- 8 (1) A registration officer in Great Britain must, on or as soon as reasonably practicable after the relevant date, send a person an invitation to make a new application for registration in a register maintained by the officer if the person—
- (a) has an entry in the register, but
  - (b) has not made a successful new application for registration in the register.

- (2) “The relevant date” means whichever of the following comes first –
- (a) the date on which, at the 2015 canvass, a canvass form is completed and returned in respect of the address to which the person’s entry in the register relates;
  - (b) the date on which it appears to the officer that, at the 2015 canvass, no canvass form will be completed and returned in respect of that address;
  - (c) 31 October 2015.
- (3) But the officer need not send an invitation at a time when –
- (a) the officer has reason to believe, from records available to the officer, that the person is no longer resident at that address, or
  - (b) the person has made a new application for registration which has not been determined.

*Invitations under paragraph 6 or 8*

- 9 An order under section 11(2) may, in particular, make provision in connection with invitations under paragraph 6 or 8, including –
- (a) provision about the sending of invitations;
  - (b) provision requiring invitations to be accompanied by application forms or other documents (including partially completed application forms).

*This Part not to apply to persons within Part 5 or 6 below*

- 10 In this Part of this Schedule, references to a person who has an entry in a register do not include a person who is a relevant person for the purposes of Part 5 or 6 of this Schedule.

PART 4

ABSENT VOTING

*Applicant for absent vote must have made successful new application for registration*

- 11 (1) For the purposes of an absent voting application made on or after 1 July 2014, a person is to be regarded as registered in a register in Great Britain only if the person has made a successful new application for registration.
- (2) “Absent voting application” means an application under paragraph 3(1) or (2) or 4(1) or (2) of Schedule 4 to the 2000 Act.
- (3) This paragraph does not apply in relation to a person who is a relevant person for the purposes of Part 5 or 6 of this Schedule.

*Entitlement to absent vote ceases after 2014 canvass if no successful new application for registration*

- 12 (1) Sub-paragraph (2) applies if, on the day on which a registration officer in Great Britain publishes a register following the 2014 canvass –
- (a) a person is shown in the absent voters’ record as the result of an application made in reliance on the person’s registration in the register, and



- 
- (b) the person has not made a successful new application for registration in the register.
- (2) The officer must remove the person’s entry from the absent voters’ record so far as the entry concerns elections of the kind to which the register relates.
  - (3) “Absent voters’ record” means the record kept under paragraph 3 of Schedule 4 to the 2000 Act.
  - (4) Sub-paragraph (5) applies if, on the day on which a registration officer in Great Britain publishes a register following the 2014 canvass –
    - (a) a person is shown in an absent voters’ list as the result of an application made in reliance on the person’s registration in the register, and
    - (b) the person has not made a successful new application for registration in the register.
  - (5) The officer must remove the person’s entry from the absent voters’ list.
  - (6) “Absent voters’ list” means the list mentioned in paragraph 5(2) or (3) of Schedule 4 to the 2000 Act.
  - (7) If a registration officer removes a person’s entry from an absent voters’ record or list, the officer must –
    - (a) notify the person in the prescribed manner, and
    - (b) take any other prescribed steps.
  - (8) This paragraph does not apply in relation to a person who is a relevant person for the purposes of Part 5 or 6 of this Schedule.

*Proxies to have made successful new application for registration*

- 13 A person is to be regarded as registered in a register in Great Britain for the purposes of paragraph 6(3) or (3A) of Schedule 4 to the 2000 Act (as substituted by section 3 of this Act) only if the person has made a successful new application for registration.

*Proxy for existing absent voter need not have made successful new application for registration until after 2014 canvass*

- 14 (1) The amendment made by section 3 (read with paragraph 13 above) does not apply in relation to a proxy appointment for an existing absent voter (or the proxy’s entitlement to vote) until the registration officer who made the appointment publishes the relevant register following the 2014 canvass.
- (2) In this paragraph –
- (a) “proxy appointment” means an appointment of a person as proxy under paragraph 6(7) or (8) of Schedule 4 to the 2000 Act (whether made before, on or after 1 July 2014);
  - (b) “existing absent voter”, in relation to a proxy appointment, means a person whose absent voting application was made before 1 July 2014;
  - (c) “absent voting application” means the application under paragraph 3(2) or 4(2) or (3) of Schedule 4 to the 2000 Act by virtue of which the proxy appointment is made;

- (d) “relevant register” means the register in which the existing absent voter is registered and which relates to elections of the same kind as those to which the proxy appointment relates.
- (3) If a proxy appointment ceases to be in force because sub-paragraph (1) ceases to preserve it, the officer must –
  - (a) notify the proxy and the existing absent voter in the prescribed manner, and
  - (b) take any other prescribed steps.
- (4) This paragraph does not apply in relation to an existing absent voter who is a relevant person for the purposes of Part 5 or 6 of this Schedule.

## PART 5

### PERSONS WITH EXISTING REGISTRATIONS BY VIRTUE OF DECLARATIONS ETC

#### *Meaning of “relevant person”*

- 15 (1) In this Part of this Schedule “relevant person” means a person who falls within sub-paragraph (2) or (3).
- (2) A person falls within this sub-paragraph if the person –
- (a) is for the time being registered in a register in pursuance of a declaration of local connection, a service declaration or an overseas elector’s declaration, and
  - (b) has been so registered since immediately before 1 July 2014.
- (3) A person falls within this sub-paragraph if the person –
- (a) has for the time being an anonymous entry in a register, and
  - (b) has had such an entry since immediately before 1 July 2014.

#### *Relevant person’s first renewal of registration on or after 1 October 2014: successful new application required*

- 16 (1) On the first occasion on or after 1 October 2014 on which a relevant person’s entry in a register comes up for renewal, the person is not entitled to remain registered unless the person has made a successful new application for registration (in addition to complying with any other requirements).
- (2) For the purposes of this paragraph, a relevant person’s entry in a register comes up for renewal when an event mentioned in the applicable provision occurs in relation to that entry.
- (3) “The applicable provision” means –
- (a) section 7C(2) or 15(2) of the 1983 Act or section 2(2) of the 1985 Act, or
  - (b) section 9C(1) of the 1983 Act;
- (as applicable).

#### *Application for absent vote before first renewal of registration on or after 1 October 2014: relevant person need not have made successful new application for registration*

- 17 (1) An absent voting application made by a relevant person on or after 1 July 2014 is not to be refused merely because the person has not made a successful new application for registration (but see paragraph 16).



- (2) “Absent voting application” means an application under paragraph 3(1) or (2) or 4(1) or (2) of Schedule 4 to the 2000 Act.

*Proxy for relevant person need not have made successful new application for registration until relevant person’s first renewal of registration on or after 1 October 2014*

- 18 (1) The amendment made by section 3 of this Act (read with paragraph 13 above) does not apply in relation to a proxy appointment for a relevant person (or the proxy’s entitlement to vote) until the first occasion on or after 1 October 2014 on which the relevant person’s entry in the relevant register comes up for renewal.
- (2) In this paragraph –
- (a) “proxy appointment” means an appointment of a person as proxy under paragraph 6(7) or (8) of Schedule 4 to the 2000 Act (whether made before, on or after 1 July 2014);
  - (b) “relevant register” means the register which relates to elections of the same kind as those to which the proxy appointment relates.
- (3) For the purposes of this paragraph, a relevant person’s entry in a register comes up for renewal when an event mentioned in the applicable provision occurs in relation to that entry.
- (4) “The applicable provision” means –
- (a) section 7C(2) or 15(2) of the 1983 Act or section 2(2) of the 1985 Act, or
  - (b) section 9C(1) of the 1983 Act;
- (as applicable).
- (5) If a proxy appointment ceases to be in force because sub-paragraph (1) ceases to preserve it, the officer must –
- (a) notify the proxy and the relevant person in the prescribed manner, and
  - (b) take any other prescribed steps.

## PART 6

### PERSONS WITH EXISTING REGISTRATIONS BY VIRTUE OF SECTION 7(2) OR 7A(2) OF THE 1983 ACT

*Meaning of “relevant person”*

- 19 In this Part of this Schedule “relevant person” means a person who –
- (a) is for the time being registered in a register by virtue of an application made under section 7(2) or 7A(2) of the 1983 Act, and
  - (b) has been so registered since immediately before 1 July 2014.

*Amendments not to apply to application made by relevant person before first renewal of registration on or after 1 October 2014*

- 20 (1) The amendments made by this Act do not apply to an application made by a relevant person by virtue of section 7(4) or 7A(4) of the 1983 Act in relation to a case where the person’s entry in a register comes up for renewal before 1 October 2014.

- (2) For the purposes of this paragraph, a relevant person’s entry in a register comes up for renewal when an event mentioned in section 7(3) or 7A(3) of the 1983 Act occurs in relation to that entry.

*Application for absent vote before first renewal of registration on or after 1 October 2014: relevant person need not have made successful new application for registration*

- 21 (1) An absent voting application made by a relevant person on or after 1 July 2014 is not to be refused merely because the person has not made a successful new application for registration (but see paragraph 20).
- (2) “Absent voting application” means an application under paragraph 3(1) or (2) or 4(1) or (2) of Schedule 4 to the 2000 Act.

*Proxy for relevant person need not have made successful new application for registration until relevant person’s first renewal of registration on or after 1 October 2014*

- 22 (1) The amendment made by section 3 of this Act (read with paragraph 13 above) does not apply in relation to a proxy appointment for a relevant person (or the proxy’s entitlement to vote) until the first occasion on or after 1 October 2014 on which the relevant person’s entry in the relevant register comes up for renewal.
- (2) In this paragraph—
- (a) “proxy appointment” means an appointment of a person as proxy under paragraph 6(7) or (8) of Schedule 4 to the 2000 Act (whether made before, on or after 1 July 2014);
- (b) “relevant register” means the register which relates to elections of the same kind as those to which the proxy appointment relates.
- (3) For the purposes of this paragraph, a relevant person’s entry in a register comes up for renewal when an event mentioned in section 7(3) or 7A(3) of the 1983 Act occurs in relation to that entry.
- (4) If a proxy appointment ceases to be in force because sub-paragraph (1) ceases to preserve it, the officer must—
- (a) notify the proxy and the relevant person in the prescribed manner, and
- (b) take any other prescribed steps.

## PART 7

### INTERPRETATION

#### *Interpretation of this Schedule*

- 23 (1) In this Schedule—
- “the 2013 canvass” means the canvass under section 10(1) of the 1983 Act to be conducted in 2013;
- “the 2014 canvass” means the canvass under section 9D of the 1983 Act to be conducted in 2014; and references to “the 2015 canvass” are to be read accordingly;
- “canvass form” means the form mentioned in section 9D(3)(a) of the 1983 Act;
- “prescribed” means prescribed by an order under section 11(2).

- (2) In this Schedule references to publication of a register are to publication of the revised version of the register under section 13(1)(a) of the 1983 Act.
- (3) In this Schedule—
  - (a) references to a person who is registered in a register immediately before 1 July 2014 include a person who becomes registered in the register on or after that date as the result of an application made before that date;
  - (b) references to a person who has an anonymous entry in a register immediately before 1 July 2014 include a person whose anonymous entry is made in the register on or after that date as the result of an application made before that date.
- (4) The 1983 Act and this Schedule are to have effect as if this Schedule were contained in Part 1 of that Act.
- (5) References in an enactment other than one contained in this Schedule or the 1983 Act to Part 1 of that Act include a reference to this Schedule.

# DRAFT LEGISLATION RELATING TO INDIVIDUAL ELECTORAL REGISTRATION

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## EXPLANATORY NOTES

### BACKGROUND

1. In the programme for Government (available at <http://cabinetoffice.gov.uk/news/coalition-documents>) the Government committed to an individual electoral registration system that would:

“Reduce electoral fraud by speeding up the implementation of Individual Electoral Registration.”

### TERRITORIAL EXTENT

2. The draft legislation extends to England and Wales, Scotland and Northern Ireland - in a technical sense it is law in all parts of the United Kingdom (with the exception of some amendments to the Representation of the People Act 1983 which have the same territorial extent as the provisions amended). However, the majority of the provisions in the draft legislation apply only to Great Britain.

3. The principal subject matter of the draft legislation (electoral registration) is reserved to the Westminster Parliament. However, the provision relating to eligibility to be appointed as (and to vote as) a proxy, and the provisions in Parts 4 to 6 of Schedule 3 relating to entitlement to vote by post and proxy during the transitional period, are within the legislative competence of the Scottish Parliament to the extent that they relate to local government elections in Scotland. If the legislation is introduced in this form, the Government will seek the consent of the Scottish Parliament for the provisions mentioned.

### COMMENTARY ON CLAUSES

#### Clause 1: Individual registration

4. *Subsection (1)* inserts a new section into the Representation of the People Act 1983 (“the 1983 Act”) which specifies when a registration officer must enter a person in an electoral register under the new system of individual electoral registration in Great Britain. The person must have made an application on a form determined by the Electoral Commission, or in such other manner as regulations may provide. It must appear to the registration officer that the person is entitled to be registered and that the application is made by that person. It must therefore appear to the registration officer

that an applicant is who they claim to be and that such a person exists. Regulations and guidance may be made to provide further detail as to how applications are to be determined.

5. *Subsection (2)* gives effect to Schedule 1. Schedule 1 contains new sections dealing with the new arrangements for amendments to registrations and removals of entries from registers in consequence of the new registration system in Great Britain.

**Clause 2: Verification of entitlement etc**

6. *Clause 2* amends Schedule 2 to the 1983 Act to enable the Minister (the Lord President of the Council or the Secretary of State) to make regulations which will enable a system to be established for the verification of the eligibility of applicants and registered electors in Great Britain, and verification that applicants are the person they claim to be.

7. *Subsection (2)* provides for secondary legislation to authorise or require registration officers to require a person to provide evidence of eligibility and that she or he is the person named in the application.

8. *Subsection (3)* provides for secondary legislation to specify the contents of applications and declarations, and to require a person applying to register to vote to provide evidence that he or she is the person named in the application and that he or she is entitled to be registered. Regulations may also provide that a person may be asked to provide alternative evidence if they are unwilling or unable to provide the standard evidence with an application, or additional evidence (this could be used, for example, where the registration officer has doubts about the initial evidence supplied by an applicant).

9. *Subsection (4)* enables regulations to require a registration officer to check the data that a person has provided with information held by another person. It provides for secondary legislation to set out the requirements for the provision of information for this purpose, the requirements for the storing and disposal of information, and prohibitions or restrictions on the disclosure of information. This power could, for example, be used to put in place a system whereby national insurance numbers and dates of birth are checked against records held by the Department for Work and Pensions, but the national insurance number is deleted by the registration officer once the verification is complete. *Subsection (4)* also provides that regulations may set out circumstances in which a registration officer may accept another person's confirmation of a fact as sufficient evidence of that fact, which could be used instead of data comparison to verify an application. This power could, for example, be used to put in place regulations which would allow a registration officer to take advantage of verification already carried out by the local authority for other purposes, rather than having to repeat the verification process.

10. *Subsection (5)* states that regulations may provide for an offence of disclosing information in breach of regulations made under the provision inserted by subsection

(4), and anyone found guilty of such an offence could face up to two years' imprisonment.

### **Clause 3: Proxies to be registered electors**

11. *Clause 3* substitutes current requirements concerning eligibility for appointment as a proxy so that a person must themselves be registered if they are to vote on behalf of an elector at either local government or Parliamentary elections in Great Britain. Currently the requirement is, broadly, that the person to be appointed as a proxy must be eligible to register to vote. The new provision has the effect of applying the verification requirements of a system of individual electoral registration (whether the new system in Great Britain or the existing system in Northern Ireland) to a proxy who votes on behalf of an elector as well as to the elector.

### **Clause 4: Annual canvass**

12. *Clause 4* inserts a new section into the 1983 Act which restates the requirement for registration officers to carry out an annual canvass in Great Britain, but with some changes from the current requirement.

13. The key changes are that the canvass form is to be determined by the Electoral Commission (*subsection (3)(a)*), that regulations may provide for the canvass to be conducted in a different manner (*subsection (3)(b)*), that the canvass no longer has a reference date of 15th October, and that a canvass return can no longer act as an application to be added to the electoral register.

14. *Subsection (4)* states that, as at present, a registration officer may make use of house to house inquiries to support the annual canvass.

15. *Subsection (5)* states that, as at present, the canvass requirement does not apply to the registration of people to whom a special registration system applies (including those on remand in prison, patients in mental hospitals, those without a fixed address, service personnel, British citizens resident overseas and those registered anonymously for their safety).

### **Clause 5: Invitations to register**

16. *Clause 5* inserts a new section into the 1983 Act which requires registration officers in Great Britain to send invitations to register to unregistered persons of whom they are aware (whether identified through the annual canvass or by any other means). This is supported by a power to make regulations about the sending of such invitations, including how often they must be sent, what documents must be sent, and whether registration officers may stop sending invitations to a person for a time if the person says that they do not want to receive them. This power could, for example, be used to require registration officers to include further blank application forms with each personalised invitation, with a request to pass such forms to other people who are

resident at the address but who are not registered and have not received a personalised invitation.

**Clause 6: Power to amend or abolish the annual canvass**

17. *Subsections (1) and (2)* give a power for the Minister (the Lord President of the Council or Secretary of State) to make an order to put in place alternative arrangements for registration officers in Great Britain to find out the names and addresses of people who are entitled to be registered but not registered, or who are registered but are not entitled, and a power to abolish or amend the annual canvass in Great Britain required under section 9D of the 1983 Act (inserted by clause 4).

18. *Subsection (3)* allows the Minister to reinstate the annual canvass if it has been abolished under subsection (2).

19. *Subsection (4)* enables an order under subsection (1) or (2) to include offences which may have a penalty of up to two years' imprisonment.

20. *Subsections (6) and (7)* set out the type of provisions that orders under subsections (1) and (2) may contain. *Subsection (8)* provides for such orders to be subject to the draft affirmative parliamentary procedure.

**Clause 7: Consulting Electoral Commission about proposals under section 6**

21. *Subsection (1)* requires the Electoral Commission to prepare a report if the Minister consults it about a proposal to amend, abolish or reinstate the annual canvass in Great Britain, or to make alternative arrangements, under clause 6. The report must assess the extent to which the objective of the annual canvass is met currently, the extent to which it would be met if the proposed order were made and other ways the objective could be met.

22. *Subsection (3)* requires the Electoral Commission to provide the report within 3 months of being consulted by the Minister.

23. *Subsection (4)* enables the Commission to obtain information from registration officers for use in preparing the report.

24. *Subsection (5)* requires the Minister to lay the report before Parliament if the Minister lays a draft order under clause 6 unless the draft order provides only for the reinstatement of the duty to conduct a canvass. The Minister must therefore consult the Electoral Commission and obtain the report before laying an order under clause 6 except one that only reinstates the duty to conduct a canvass.

**Clause 8: Minor and consequential amendments**

25. *Subsection (1)* gives effect to Schedule 2 which contains minor and consequential amendments.



26. *Subsection (2)* ensures that the powers given to the Secretary of State in the amendments to the 1983 Act made by this legislation may also be exercised by the Lord President of the Council.

#### **Clause 10: Commencement**

27. *Clause 10* states that the legislation will come into force on the 1 July 2014, with the exception of some technical provisions and the power at clause 11 for the Minister to make secondary legislation supplementing Schedule 3, which will come into force when the Bill is passed.

#### **Clause 11: Transitional provision**

28. *Clause 11* gives effect to Schedule 3 (which provides for the change from the old to the new system of registration) and enables the Minister to supplement Schedule 3 by secondary legislation.

#### **Clause 12: Extent**

29. *Clause 12* is a technical provision to ensure that, where other legislation that is amended by this legislation is law in only a part of the United Kingdom, the provision in this legislation is subject to the same territorial restriction.

#### **Schedule 1: Register of electors: alterations and removal**

30. *Paragraph 1* inserts two new sections in the 1983 Act which set out when a registration officer must alter the name or address of an elector, or remove an elector's entry from the register, in the new registration system in Great Britain. It does not affect registration officers' ability to correct clerical errors.

31. *Section 10ZD* states the circumstances in which a registration officer must alter the name or address of a person on the register. *Subsection (1)* provides that an application must have been made to that effect, and it must appear to the registration officer that the person is entitled to be registered in respect of the new name or address and that the application is made by that person. *Subsection (2)* provides that the requirements and powers relating to applications for a new registration also apply to applications for changes to registrations.

32. *Section 10ZE(1) and (2)* state that a registration officer must remove a person from the register if that person was not or has ceased to be entitled to be registered at the address in respect of which they are registered (whether because they have moved house or for any other reason), or if the person's current registration is the result of an application made by someone else. The requirements for being entitled to be registered are set out at section 4 of the 1983 Act.

33. *Section 10ZE(3)* enables a registration officer to make use of house to house inquiries to supplement this.



34. *Section 10ZE(4)* confers a power to make regulations to support the process of removing entries from the electoral register, including steps that a registration officer must take before concluding that a person is not entitled to remain registered. For example, regulations could require that in certain circumstances the registration officer must attempt to contact the person before determining that they are not entitled to remain registered.

35. *Section 10ZE(5)* states that a registration officer must consider whether to remove a person from the electoral register if they receive an objection from another registered person about that person's registration or become aware of information that causes them to suspect that the person may not be entitled to remain registered (for example because of information obtained during the annual canvass).

36. *Section 10ZE(7)* states that the requirement to remove people from the register does not apply to the registration of people for whom there are separate rules about removal from the register (including those on remand in prison, patients in mental hospitals, those without a fixed address, service personnel and British citizens resident overseas).

37. *Paragraph 2* amends section 13A of the 1983 Act to enable a registration officer to correct information in a register in Great Britain if they determine that it is incorrect. This would not remove the requirement to remove an entry from the register if the circumstances in new section 10ZE(1) are met, but would allow a registration officer to correct an error that has not resulted from a clerical error where those circumstances are not met (for example, where a person has changed their name but has not informed the registration officer). Section 13A(6) of the 1983 Act enables regulations to put in place procedures for the making of a correction under this provision.

## **Schedule 2: Minor and consequential amendments**

38. *Paragraphs 1 to 15* make minor and consequential amendments to the 1983 Act. Several of these amendments restrict the application of sections of the 1983 Act which currently apply to all of the United Kingdom so that they apply only in Northern Ireland, since those sections are replaced by the new sections inserted by clauses 1, 4 and 5 and Schedule 1 which apply in Great Britain.

39. *Paragraph 2, 3, 4, 14 and 17* make amendments to the 1983 Act and the Representation of the People Act 1985 so that a registration officer must remove a person from the register if the person's current registration is the result of an application made by someone else. This is the case for most registrations under new section 10ZE(1)(c) of the 1983 Act, and these amendments apply the same rule to the special types of registration to which that new section does not apply.

40. *Paragraph 5(2)* amends section 9(2) of the 1983 Act so that it is clear that a person will only be included on a register in the United Kingdom pursuant to an application for registration.

41. *Paragraph 6* amends section 9A(1) of the 1983 Act to set out the scope of the general duty on registration officers, which could otherwise be reduced by the amendment made by paragraph 5(2).

42. *Paragraphs 7 and 8* amend the requirements for the renewal of anonymous registrations in Great Britain so that it will not be necessary to make a complete application for registration each year as at present. Instead, once the anonymous registration is in place it will only be necessary to make an application for anonymity under section 9B of the 1983 Act in order to renew the entry each year. This means that it will only be necessary for the full verification process to apply to an application for a new anonymous registration, or for an anonymous registration under a different name or address.

43. *Paragraph 12(2)* inserts provisions into section 13A of the 1983 Act to provide for the manner in which registration officers must give effect to changes to registers in Great Britain resulting from the new provisions relating to applications for registration and alterations to registers.

44. *Paragraph 15* gives additional powers to make regulations for Great Britain in relation to the conduct of canvasses, following up canvass requests and invitations for applications to which no responses have been received, and enabling registration officers to share information to ensure that proxies meet the requirement to be registered before they are appointed (see clause 3).

45. *Paragraph 19* repeals sections 30 to 34 of the Political Parties and Elections Act 2009 concerning the previous voluntary and compulsory schemes of individual electoral registration in Great Britain.

### **Schedule 3: Transitional provision**

46. Schedule 3 sets out how the move from the old system of electoral registration to the new system of individual electoral registration in Great Britain will operate in 2014 and 2015.

#### ***Part 1: Introduction***

47. *Paragraph 1* stipulates that applications made before 1 July 2014 are to be dealt with under the old system even if the application is determined after 1 July 2014.

#### ***Part 2: Removal of existing registrations by end of 2015 canvass***

48. *Paragraph 3* stipulates that, after the 2014 canvass, registration officers must remove from the register each entry that was carried forward in 2013 and in respect of which the elector has not made an application under the new system or responded to the 2014 canvass.

49. *Paragraph 4* states that, after the 2015 canvass, a registration officer must remove from the register the entry of each person who has not made a successful application for registration under the new system. It will only be possible for a person

to be registered after this point if they have made an application under the new system and that application has been successful.

50. *Paragraph 5* states that the provisions about removal from the register in paragraphs 3 and 4 do not apply to people who are registered under a special registration system (and have been since immediately before 1 July 2014). This includes those on remand in prison, patients in mental hospitals, those without a fixed address, service personnel, British citizens resident overseas and those registered anonymously for their safety. Parts 5 and 6 of Schedule 3 make separate provision for those people.

***Part 3: Encouraging new applications in 2014 and 2015***

51. *Paragraph 6* states that on, or soon after, 1 July 2014 a registration officer must send an invitation to make a new application for registration to all persons listed on the register who have not made an application under the new system. An invitation does not have to be sent while the officer has reason to believe that the person is no longer resident at that address. *Paragraph 7* provides that in 2014 registration officers need not send canvass forms to addresses at which people have been sent individual invitations to register.

52. *Paragraph 8* stipulates that in 2015 a registration officer must send an invitation to make a new application for registration to all persons who have an entry on the register, and have not made a successful application for registration under the new system. This must be sent when the registration officer receives a returned canvass form in respect of the person's address or when the officer realises that a canvass form will not be returned for that address, and at the latest at the end of October. If the registration officer has reason to believe that the person is no longer resident at the relevant address or if that person has made an application under the new system that has not yet been determined, then no invitation need be sent.

53. *Paragraph 9* allows further provision to be made about the invitations to be sent to people under paragraphs 6 and 8. For example, regulations could require that a registration officer who sends an individual invitation to an individual under paragraph 6, and chooses not to send a canvass form to that address in 2014, must include additional blank application forms with that invitation, with a request to pass them to any other residents at the address who have not received a personalised invitation.

54. *Paragraph 10* states that the provisions about invitations to register in paragraphs 6 to 8 do not apply to people who are registered under a special registration system (and have been since immediately before 1 July 2014). The system for those people is set out in Parts 5 and 6 of Schedule 3.

***Part 4: Absent voting***

55. *Paragraph 11* stipulates that those persons applying to vote by post or by proxy ("an absent vote") on or after 1 July 2014 will only be granted an absent vote if they have made a successful application under the new system. Again, this paragraph does not apply to people who are subject to special registration systems.

56. *Paragraph 12* states that a person's existing absent vote will expire following the 2014 canvass if they have not made a successful application to register under the new system. The registration officer must notify the individual, and regulations may require the registration officer to take other steps (for example providing the individual with the forms needed to make an application to regain an absent vote). Again, this paragraph does not apply to people who are subject to special registration systems.

57. *Paragraph 13* states that proxies will only be regarded as registered in a register in Great Britain (and so eligible to be a proxy following the change made by clause 3) if they have made a successful application to vote under the new registration system, so existing registrations resulting from applications made under the old system are not sufficient. This does not apply to proxies who are registered in a register in Northern Ireland, where there is already a system of individual electoral registration and registration under that system is sufficient for the purpose of the change made by clause 3.

58. *Paragraph 14* stipulates that appointments of new and existing proxies for electors who have proxy votes which they applied for before 1 July 2014 will not be affected by paragraph 13 until after the 2014 canvass. If an existing proxy appointment ceases to be in force at that point because the proxy has not made a successful application to register under the new system, the registration officer must inform the proxy and the elector for whom they were appointed, and regulations may require the registration officer to take other steps (for example providing the individuals with the forms needed for the proxy to be reappointed). Again, this paragraph does not apply to people who are subject to special registration systems.

***Part 5: Persons with existing registrations by virtue of declarations etc***

59. *Paragraph 15* sets out that Part 5 applies to people who are (and have been since immediately before 1 July 2014) registered as a result of a declaration of local connection, a service declaration or an overseas elector's declaration, and people registered anonymously.

60. *Paragraph 16* states that on the first occasion on or after 1 October 2014 on which a person's entry comes up for renewal they will only remain registered if they make a successful application for registration under the new system. Until that point they may be registered under the old system.

61. *Paragraph 17* has the effect that an application for an absent vote made by the person before the first occasion on or after 1 October 2014 on which a person's entry comes up for renewal may be granted even though at that point the person has not made a successful application to be registered under the new system.

62. *Paragraph 18* provides that such a person's proxy need not have made a successful application for registration under the new system until the first occasion on or after 1 October 2014 on which the person's entry comes up for renewal.

***Part 6: Persons with existing registrations by virtue of section 7(2) or 7A(2) of the 1983 Act***

63. *Paragraph 19* sets out that Part 6 applies to people who are registered on the basis of residence in mental hospitals or a place where they are held on remand, and have been registered on that basis since immediately before 1 July 2014.

64. *Paragraph 20* provides that on the first occasion on or after 1 October 2014 on which a person's entry comes up for renewal they will only remain registered if they make a successful application for registration under the new system. Until that point they may be registered under the old system.

65. *Paragraph 21* has the effect that an application for an absent vote made by the person before the first occasion on or after 1 October 2014 on which a person's entry comes up for renewal may be granted even though at that point the person has not made a successful application to be registered under the new system.

66. *Paragraph 22* states that such a person's proxy need not have made a successful application for registration under the new system until the first occasion on or after 1 October 2014 on which the person's entry comes up for renewal.

**FINANCIAL EFFECTS**

67. The total costs of the move to Individual Electoral Registration ("IER") is estimated at £108m; this has been funded as part of the spending review settlement and includes £85m resource funding in 2014/15 to fund registration officers to make contact with each potential elector individually to invite them to register in 2014. The rest of the costs are capital costs, as well as administration and resource costs for the current and next two financial years. Following the conclusion of the data matching pilot schemes at the end of this year, a decision will be taken on whether to fund the roll-out of data matching across Great Britain. There may be additional costs, depending on whether a decision is taken to roll-out data matching nationally. As agreed in Cabinet Office's spending review settlement, we will consider this further with HM Treasury based on the outcome of the data matching pilots this year: this draft legislation makes no provision for the roll out of data matching.

68. It is estimated that after the move to IER is complete, the annual ongoing cost of electoral registration will be an additional £31.8m per annum; although any future decision to stop the annual canvass as provided for in this draft legislation can be expected to bring costs down significantly (it is too early to say whether there would be any net savings as the running costs of a replacement for the annual canvass – which could be based on data matching - are as yet unknown). These costs will need to be factored into the next spending review.

**PUBLIC SECTOR MANPOWER**

69. It is possible that in the short run Electoral Registration Officers will have to employ more staff as they look to make contact with each potential elector

individually to invite them to register in 2014. £85m resource funding in 2014/15 has been to set aside for this purpose.

## **IMPACT ASSESSMENT**

70. The draft clauses have no impact on business or the third sector as the nature of the impact of the proposed provisions falls on citizens and electoral registration officers.

## **EUROPEAN CONVENTION ON HUMAN RIGHTS**

71. Although section 19(1) of the Human Rights Act 1998 does not require a minister to sign a statement of compatibility with the European Convention on Human Rights (“ECHR”) in relation to draft legislation, the Government’s view is that the draft legislation is compatible with the Convention rights as defined by section 1 of the 1998 Act and it would be possible for a minister to make a statement of compatibility under section 19(1)(a) of that Act.

### **Right to free elections - Article 3 of Protocol 1 ECHR**

72. Article 3 of Protocol 1 to the ECHR provides: “The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure free expression of the opinion of the people in the choice of the legislature”.

#### ***A working registration system***

73. The main concern that arises when considering the compatibility of the draft legislation with Article 3 of Protocol 1 is whether the registration system would have the effect of disenfranchising those entitled to register to vote by removing them from the register and preventing them from re-registering under the new legislation.

74. Although the draft legislation enables the introduction of a new process for electoral registration in Great Britain, there is nothing in it which prevents those currently on the electoral register, or others eligible to register to vote, from being registered under the new system.

75. There may be concern as to whether regulations made under the powers in the draft legislation might require information or evidence to be provided or checked in a way which prevents some individuals who are entitled to be registered from successfully applying for registration. There may also be concern that the way in which the process of verifying that information is carried out in practice could have the same effect. However, this is a question of how the proposed legislation is implemented and does not affect the compatibility of the legislation itself.

76. The Government therefore considers that the draft legislation would not put in place any practical obstacle to an eligible person registering to vote, and that in this respect the draft legislation is compatible with Article 3 of Protocol 1.



77. A further issue in this respect may be that certain groups may find it more difficult to satisfy the requirements of the registration process than others, which could raise concerns under Article 14 ECHR (prohibition on discrimination) taken together with Article 3 of Protocol 1. Article 14 provides: “The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”.

78. It is inevitable that there may be some individuals who find the registration process less simple than others. However, there is nothing inherent in the draft legislation that would create an obstacle to an eligible person registering to vote, irrespective of their status in the Article 14 sense. Therefore, the Government does not consider that the provisions in the draft legislation engage Article 14.

### ***Franchise – legal incapacities***

79. The franchise for elections in the UK is defined in part by the requirement to be registered (see for example section 1 of the 1983 Act). Other elements of the franchise for elections in the UK are age, nationality and whether an individual is subject to a legal incapacity to vote. The Government has considered whether the decisions in *Hirst v UK (No 2)* (application 74025/01) and *Greens and MT v UK* (applications 60041/08 and 60054/08) raise an issue under Article 3 of Protocol 1 for the draft legislation.

80. We have concluded that because the draft legislation relates only to the process of electoral registration and not to the question of which individuals are (or are not) entitled to be registered to vote, any concerns arising out of those decisions do not extend to the draft legislation.

### **Right to respect for private life – Article 8 ECHR**

81. Article 8 ECHR provides: “1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

82. The operation of the provisions in the draft legislation inevitably involves the processing of individuals’ personal information and therefore arguably engages Article 8 ECHR. The draft legislation itself does not require any more information to be provided by applicants, or information to be used by registration officers in a different way, than is required currently for electoral registration under the provisions of the Representation of the People Act 1983, but it does provide powers for regulations to expand the requirements in this respect. The question of compatibility with Article 8 will, therefore, depend to an extent on the way in which the new system is implemented.

83. To the extent that the powers to make such provision may engage Article 8 in that they enable requirements to be imposed for the passing, use and retention of personal data, this meets legitimate aims identified in Article 8 including, significantly, the right of other individuals to exercise their right to vote under Article 3 of Protocol 1. The powers are necessary to ensure that:

- a) registration officers are able to ensure that only those individuals who are entitled to be registered to vote are included on the register;
- b) registration officers are able to ensure that the electoral register is not used in order to create fraudulent identities or commit electoral offences; and
- c) registration officers are able to obtain information relating to individuals who may be eligible to be registered to vote, in order to invite them to do so.

84. In relation to the provisions allowing access to registers, these are limited and the draft legislation does not change the current well established legislative scheme. A challenge in the High Court to the current scheme for the disclosure and use of the electoral register was found strike a permissible balance between legitimate aims and the “very modest” interference with the right to vote (see *R (Robertson) v Secretary of State* [2003] EWHC 1760 (Admin)).

85. The Government therefore considers that the draft legislation is compatible with Article 8.





# Annex A – Summary of Impact Assessments

## Impact Assessment

The impact assessment identifies both monetised and non-monetised impacts on individuals and groups in Great Britain, with the aim of understanding what the overall impact to society might be from implementing the proposal. The impact assessments for IER include a full equality impact assessment and privacy impact assessment.

The net cost for transitioning to IER is estimated at £108m, in addition to the current cost of electoral registration (£82.8m annually).

Whilst impact assessments place a strong emphasis on valuing costs and benefits in monetary terms, there are also important benefits of the proposal that cannot sensibly be monetised. The proposal presents a simpler process than provisions in the PPE Act, which will limit confusion and reinforces the principle of IER. The proposed option also allows the canvass in 2014 to be comfortably completed prior to the General Election in 2015, and uses a carry forward provision to help people manage the transition to IER.

## Equality Impact Assessment

The move away from a household electoral registration system should have an overall positive impact on equality, providing each eligible individual with the right and responsibility to register themselves to vote, rather than being dependent on another member of the household. This should empower individuals to take greater ownership of their franchise.

This, however, will require a shift in behaviour if people are to take responsibility for their own registration. This will be supported by a strategy which includes a transitional carry-forward, publicity and targeted engagement that will make it as easy as possible for people to register, by providing increased opportunity and prompts that will help everyone adapt to the change.

Whilst the system will be as convenient and efficient as possible for all users, impacts on the following groups of people have been particularly considered: those currently under-represented on the register; those who present a particular challenge in 2014; and those who have special requirements.

A number of consultations have taken place in order to develop and test the proposal and consider the impact on these groups. Consultations, along with analysis of the data matching pilot scheme outcomes, are expected

to continue to ensure that any potential equality impacts resulting from the policy proposal to implement individual electoral registration can be identified and mitigation strategies put in place and tested.

Liaison with other government departments who interact with target groups, particularly attainers and home-movers, has also begun in order to explore alternative channels and opportunities to reach these groups.

## Privacy Impact Assessment

A full Privacy Impact Assessment has been conducted on the proposal for IER due to the requirement for each person to register individually and the intention to require applicants to provide additional personal data to allow the verification of their application. The assessment concludes that the proposed option for implementation of inviting individuals to register is one that prevents the need for them to share their additional personal information with others in the household. Whilst there will be an improvement to the privacy of individuals there will be some impacts as a result of the implementation of IER:

- Collection of additional personal data that electors are not currently required to provide.
- Transmission of data for the purposes of verifying an elector's entitlement before they are placed on the electoral register.
- Retention and disposal of personal data collected for the purposes of electoral registration increases the risk of unauthorised disclosure.

The Government is aware of the above impacts and the following mitigations are being put in place to address these:

- Additional personal data collected will not form part of the electoral register – the information currently captured on the register will remain the same.
- There will be no new national database created as a result of implementing IER.
- A data management policy is in development which will set out clear policy on the storage, use, transmission, retention and disposal of personal data.
- The solution for the storage and transmission of the personal data has not yet been determined, but the necessary design features to secure personal data will be a requirement.
- Continued engagement with key stakeholders to ensure security of personal data and appropriate risk and impact assessment and mitigation.
- Proposed new offence for the disclosure of personal data provided by an applicant in their electoral registration application, or the information provided by any entity in the verification process, to any person not involved in the process.

It is important to note that any impacts will necessarily need to be balanced against security and fraud concerns. Further consultation with key stakeholders and the public will be conducted to fully understand the privacy impacts and continue to develop appropriate mitigation strategies. It is intended that the Privacy Impact Assessment will be a living document and develop over the period of policy development and implementation.



