

Government Response
to pre-legislative scrutiny
and public consultation on
Individual Electoral Registration
and amendments to Electoral
Administration law



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

February 2012

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Contents

Foreword	5
Executive Summary	7
Introduction	9
Responding to the Committee and Consultation	11
Additional consultation responses – Individual Electoral Registration	35
List of respondents	44

Foreword

Last June we set out our proposals for improving the electoral system through the introduction of Individual Electoral Registration (IER) in Great Britain.

As we said then, the electoral register is a key building block of our democracy. We see both registering to vote and voting as civic duties and we strongly encourage people both to register and to vote. We published our proposals for consultation and for scrutiny by the Political and Constitutional Reform Committee because this is a vital part of our democracy, so we want our plans to be tested, and we want to be sure that the choices we make on the costs and benefits of the options open to us are well informed. We are grateful for the feedback that we have received not only from the Committee, but from everyone who took the time to respond to our White Paper.

In addition to putting our proposals out for testing, we have actively sought evidence from a range of other sources to inform policy development.

The research we funded the Electoral Commission to undertake has underlined the case for reform of the way people carry out their civic duty of registering to vote. We commissioned a literature review of research in this area from Dr Stuart Wilks-Heeg, a respected academic, which is published alongside this paper and adds further to the evidence base which informs our decisions.

We have paid attention to the lessons learned from the experience of Northern Ireland including the importance of carrying forward electors who have not registered under the new system in the first canvass, and their excellent work in registering new voters including working in partnership with schools to encourage young people to register.

And we have run a series of pilots of data-matching, where the commitment, professionalism and dedication of the Local Authorities involved in the 22 pilots has given us a huge amount of information about how this process could work in Great Britain, and we are grateful to all those who took part. We look forward to both the Electoral Commission's evaluation, and to further piloting work with more authorities during 2012.

We set out here our response to both Pre-Legislative Scrutiny and the Consultation, and we also set out our response to the Committee's recommendations relating to the Electoral Administration proposals published last year.

The principle of introducing IER was widely supported, and in response to the feedback we received on our proposals for implementing it, we are proposing a number of key changes to our policy. In particular we want to ensure there are more safeguards in place to ensure as many eligible people as possible stay on the electoral register during the transition and that we can focus on those people eligible to vote but missing from the register. We therefore intend to:

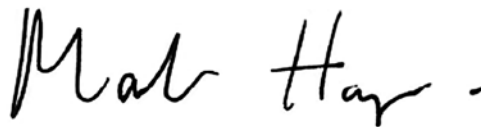
- Simplify the transition to IER for most citizens by using Data Matching to confirm the accuracy of the majority of entries on the electoral register;
- Move the canvass in 2013 from the autumn to the spring of 2014 so that there is a more up to date register to use for transition; and,
- Publish alongside this document a high-level implementation timeline setting out the key stages of the transition timetable.

We believe these changes, along with the others outlined in the paper, will significantly strengthen these proposals. The full response to the Political and Constitutional Reform Committee's report and the views expressed during the public consultation on our White Paper and draft legislation are set out below, but they are not our final word on the subject.

As we continue to refine our proposals ahead of introduction of legislation later this year, we will continue to work closely with stakeholders to further inform our thinking and develop our proposals. We have listened and learned, and we shall continue to do so.



Rt Hon NICK CLEGG MP
Deputy Prime Minister



MARK HARPER MP
Minister for Political and
Constitutional Reform

Executive Summary

1. There was widespread support for the principle of introducing Individual Electoral Registration (IER) from both the Political and Constitutional Reform Committee (PCRC) and those who responded to the White Paper. The Electoral Commission (EC) described IER as “an important improvement in how people register to vote” and the PCRC note in their report that “the three largest political parties all continue to support the principle of individual registration.” There has also been support for dropping the voluntary phase. For example the Liberal Democrat Parliamentary Policy Committee on Constitutional and Political Reform noted that the phase “would have proved costly, without providing the benefits of a full IER scheme.”
2. The Committee’s report and consultation responses include recommendations on the implementation of IER, in particular in relation to registration as a personal choice; the impact on groups most at risk of falling off the register; the impact on registration rates; the proposed canvass arrangements for 2014; absent voting; resources; and data matching.
3. This response addresses the Committee’s recommendations and details the policy development which has taken place since the publication of the White Paper.
4. We have listened to the feedback expressed about elements of the Government’s proposals, not least the perceived risks to the completeness of the electoral register, and are proposing to make a number of key changes to the proposals included in the White Paper. The major changes to the policy position are as follows:
 - Over the past year we have carried out a series of data matching pilots, comparing electoral registers in twenty-two areas with a range of data from public authorities. While the final evaluation is still being concluded, the evidence so far suggests that comparing entries on an electoral register with information held by the Department for Work and Pensions (DWP) allows us to confirm as accurate a significant majority (an average of two thirds for that data set alone in the pilot areas) of entries on the registers concerned.
 - Subject to the results of the full evaluation, and further testing this year, we are therefore minded to build on this to simplify the transition to IER for the majority of electors. It is now our intention that the names and addresses of all individuals currently on an electoral register will be matched against the data held by public bodies such as the DWP and local authorities themselves. If an elector’s information can be matched, the individual will be automatically placed

onto the new IER register and would not need to take any further action to be registered under IER. Only those people who cannot be confirmed automatically will be invited to provide identifying information to be verified. This should simplify the transition process for the majority of electors, reducing the number of people required to provide personal identifiers and will also allow EROs to free up resource to target the smaller group of people whose information cannot be matched and those who are currently missing from the register:

- We have listened to concerns that there is no full household canvass in 2014. To ensure that a more accurate and up to date register is used as the basis of the new register we are also planning to delay the annual canvass in 2013 to the early part of 2014.
 - We have made other changes to try and simplify the administration of IER, including altering the proposal to issue a Unique Identifying Number (UIN) to activate online registrations, and changing the policy so that the alternative verification methods will only be available to those who are unable to provide a National Insurance Number.
 - The White Paper also set out our intention to enable electors to respond to an invitation to register by indicating that they did not want to register at that time and did not want to be sent further invitations to register until the following canvass period. It remains our firm belief that registering to vote is a civic duty; we have taken into account the concerns raised by the PCRC and those who responded to the consultation about the possible impact this 'up front' opt out could have on registration levels. As we made clear last year, we are minded to amend this provision and intend either to retain the 'opt out' but require a person wishing to do so to complete a separate application, or to entirely remove this option altogether. We will consider these carefully and set out the preferred approach when the final legislation is brought forward.
 - There has also been widespread discussion of whether it should be an offence for an individual not to register to vote when invited to do so. Despite the strong feelings expressed in the consultation on this issue, our view is that the evidence is not conclusive that introducing a new criminal offence will make any significant difference to registration levels, nor do we feel it is appropriate that we use the threat of a criminal offence to promote greater engagement in the electoral process. However, there are arguments for and against introducing a civil penalty for non-response to an invitation to register, and some important practical implications on how any such system should work which would have to be resolved before deciding on whether to take this approach. We will also consider how such an approach sits alongside the possible options on the opt-out with our key stakeholders and will set out our decision on this in the final legislation.
5. We believe these changes will significantly strengthen our proposals. The full response to the Political and Constitutional Reform Committee's report and the views expressed during the public consultation on our White Paper and draft legislation are set out below. In a number of areas we continue to refine the detail of our proposals, and we will use the Committee's recommendations and the consultation responses to inform our thinking. In addition we set out the Government's response to the Committee's recommendations on our proposed changes to electoral administration.
6. Alongside this response we are also today publishing an implementation timeline which sets out the key stages of work across the transition to IER – this will form the basis of the work Cabinet Office will now carry out in partnership with the Electoral Commission, with Electoral Registration Officers and electoral administrators, and others to bring about this significant change.

Introduction

7. We welcome the Committee's report and all of the feedback we have received in response to the consultation. We have received widespread support for the principle of IER, including from all of the main political parties; however concerns have been raised relating to aspects of the implementation of the policy.
8. Throughout the consultation process we have continued to meet with those with an interest in the policy, particularly the Electoral Commission, the Association of Electoral Administrators, and the Society of Local Authority Chief Executives. We welcome this input very strongly and will continue to work with them as we implement these proposals.
9. This paper sets out our response to each of the Committee's recommendations and key issues raised in the consultation.

Simplifying the process for citizens

10. Since the publication of the White Paper we have been considering additional ways to ensure the completeness of the register and to simplify the application process for as many electors as possible during the transition from the current system to the new system. Twenty-two 'data matching pilots' have taken place where electoral registers have been compared with a range of data from public authorities. The table below shows the 'match rate' (that is the percentage of names and addresses on the electoral register that match against another database) for the 10 pilot areas that matched their whole registers against the DWP Customer Information System (CIS). These pilots have been selected, as matching whole registers, rather than selected wards, accounts for variation within the area while giving a better and more accurate picture of what the average match rate would be. This table shows that matching just against DWP CIS shows that an average of 66% of entries on the Electoral Register can be confirmed to a sufficient degree of certainty that we can verify an individual's information as accurate. The match rate clearly varies according to different demographic profiles and population turnover, and a more comprehensive picture will emerge when the full evaluation is published, but the pattern so far is consistent.

Area	Match rate against DWP CIS (%)
Camden	52.6
Colchester	70.0
Forest Heath	64.9
Greenwich	65.2
Lothian Valuation Joint Board	69.5
Newham	49.6
Stratford-on-Avon	77.1
Tower Hamlets	49.6
Wigan	78.4
Wolverhampton	72.3
Total	65.7

11. It is our view that this finding, if confirmed, opens up a significant opportunity to simplify the process of transition to IER. Our proposal in the White Paper was that all electors will be asked to apply individually in 2014-15 and provide identifiers which will then be verified against the DWP CIS. Instead, our view is that if data matching could be used to verify the majority of entries currently on the electoral register as these results suggest, a majority of people can be transitioned into IER without having to take any further action. Each entry would still be individually verified but without requiring an individual to provide any extra data. We believe that this will simplify the transition for the majority of people, reducing the data burden (so less new personal data is required) while providing assurance about the accuracy of the register. It will also enable more focus on electors missing from the register.
12. The Electoral Commission (EC) will publish an external evaluation of the data matching pilots by 1st March. Subject to the results of this evaluation, we are minded to pursue this approach. This is a significant change to the position in the White Paper. We will continue to discuss this with stakeholders ahead of the introduction of legislation.

Simplifying the transition to IER for citizens

The White Paper approach is that all electors will be required in 2014 to re-apply to register, provide personal identifiers, and have these identifiers verified against the DWP Customer Information System (CIS).

Under the alternative proposed here, in 2014, all electoral registers will be cross matched against trusted public data sources.

Those citizens whose entries on the register can be individually matched will be confirmed as entries on the register and need take no further action.

Those individuals whose information cannot be matched will be invited to register individually using the process set out in the White Paper.

Responding to the Committee and Consultation

13. **Committee recommendation 1: We welcome the fact that these proposals have been published for pre-legislative scrutiny by us, as well as for wider consultation.**
14. We welcome the time the Committee has spent reviewing the proposals and are grateful to all those who have responded to the consultation. We have listened to this feedback and taken it into account as we have further developed the policy. We look forward to continuing to work with Parliament and stakeholders as we develop more detail with regard to implementation.

The “opt out” and offences

15. **Committee recommendation 2: We welcome the Government’s acknowledgment that care needs to be taken not to make it too easy for people to opt out from what is still regarded as a public duty, even under the Government’s current proposal that failure to register to vote should not be a criminal offence. We urge the Government to take the necessary steps in this direction in the Bill.**

Consultation responses

16. The Electoral Commission (EC) and Association of Electoral Administrators (AEA) along with other respondents to the consultation including members of the public, Electoral Registration Officers (EROs), local authorities and Political Parties have raised concerns regarding the so called opt out – in particular that it will lead to a decline in registration rates with those groups who are currently under represented on the register being affected most. Concern was also expressed by one local authority that “the public will be confused to learn that they must respond to a Household Enquiry Form but can choose not to be chased to provide an IER form”.
17. The AEA has also expressed concerns about the opt out and has raised a number of related issues, including the impact on making house to house enquiries under section 9A of the Representation of the People Act 1983.
18. In addition to concerns about declining registration rates, concerns have also been raised about the wider implications including the impact on juries. These concerns stem from both the potential

for a reduced register to lead to a decline in how representative juries are, and also a fear that some electors may choose not to register to vote to attempt to opt out of jury service. The EC also highlight that electoral registers “are the basis for other important civic procedures, including drawing ward and constituency boundaries, selecting juries, preventing and detecting crime and supporting the credit reference process.”

Government response

19. The Government unequivocally believes that registering to vote is a civic duty. It is also committed to ensuring the maximum number of eligible people appear on the register and will continue to encourage individuals to register to vote. As outlined above, we are minded to simplify the process of transition to IER which should help ensure the completeness of the register during that time. We are also looking at how we can make it more convenient for people to register to vote as well as improving the completeness and accuracy of the register.
20. The White Paper proposed that an individual would be able to respond to an invitation to register by indicating ‘up front’ that they do not wish to receive further invitations to register until the following canvass period. This proposal was introduced to enable EROs to dedicate resource to those who are not currently on the register or need additional support to complete the registration process rather than on those with no desire to register. By indicating that they did not wish to receive further invitations until the following canvass period, the individual would not be able to express a preference to permanently opt out of the register. Opting out also would not prevent the individual from changing their mind and making a proactive application to register at a later date within the lifetime of that register. The opt out provision could only be exercised by an individual in response to an invitation to register; not in response to a Household Enquiry Form (HEF) or any other request for information from an ERO; it also would not in any way change the offence for not responding to a request for information from an ERO (a summary of offences is set out in the box below). It would not create an ability for individuals to apply to be removed from the register.
21. As indicated by the Deputy Prime Minister and the Minister for Political and Constitutional Reform, we are reconsidering this issue in the light of the response to the consultation and recommendations of pre-legislative scrutiny and in particular concerns that the ease with which a potential elector could opt out may significantly reduce the level of registration. There are two options currently under consideration which would address these concerns.
22. The first approach is that an individual retains the ability to indicate that they do not wish to be asked to register again during the canvass period however this is subject to a number of requirements. Instead of being able to opt out on a form sent with an invitation to register, an individual would need to complete a separate application (which could be downloaded or requested from an ERO or by attending an electoral office in person) to inform their ERO of their decision. This form would highlight the consequences of opting out and would ensure that an audit trail is kept of the decision to opt out, in the event that the person later claims not to recall having asked to do so. This would address the concerns that it would be too easy for electors to opt out and give rise to disputes about whether an individual had in fact exercised this choice.
23. Certain other limits would be placed on this. Taking into account the concerns that an opt out may impact on the number of people available for jury service we would look to ensure that those recorded as opting out of registration continued to be eligible to carry out jury service.

24. The other option under consideration is to remove this choice altogether. This would mean that if an individual is invited to register to vote, they would have no option to indicate that they do not wish to register to vote for the lifetime of that register.
25. Retaining an amended opt out would retain the ability of people who have a strong view about not registering to vote to exercise this choice. This would also enable EROs to identify those who definitely do not intend to register and to direct resources towards those requiring additional support and those not currently on the register. Requiring a specific application would help to ensure that only those individuals who make a clear and conscious choice to opt out would do so, reducing the risk of an impact on registration rates. Getting rid of the opt out altogether would reduce the risk of any reduction in the register still further, and avoid any need to administer any new process of application for an opt-out; it is likely however that those not wishing to register would just refuse to submit an application.
26. Both of these options are under careful consideration and we will set out our preferred option when final legislation is brought forward.
27. **Committee recommendation 3: We recommend that it should initially be an offence to fail to complete a voter registration form when asked to do so by the relevant ERO. This should be reviewed after five years of operation of the new system of individual registration, by which time registration levels may be high enough and a culture of individual registration sufficiently embedded for compulsion no longer to be necessary.**

Consultation responses

28. Many consultation responses also expressed concerns that this will lead to a significant fall in registration rates, which in turn will lead to a surge of applications close to the 2015 General Election. The Society of Local Authority Chief Executives and Senior Managers (SOLACE) noted that “although sanctions are rarely used, we believe that the threat of sanction is a strong motivator which persuades many people to return their annual canvass form.” The AEA also noted that the voluntary nature of IER affects the definitions of completeness and accuracy.
29. The Labour Party expressed the view that “there may be a case for changing the penalty for failing to return a registration form, but there seems very little basis for removing it altogether.”
30. A number of respondents, including the EC and the AEA proposed an alternative approach – the use of a civil penalty for failing to respond to an invitation to register.

Offences relating to electoral registration

- It is not currently an offence not to appear on an electoral register. This will not change under the new system.
- It is currently an offence to provide false information to, or not to respond when required to provide information to an Electoral Registration Officer e.g. an annual canvass form. Any person that refuses to supply information is liable to a maximum fine of £1,000. This offence will continue under the new system and will apply to a Household Enquiry Form and any other request for information an ERO makes.
- However, this criminal offence will not be extended to require an individual to apply to be registered or to respond to an invitation to register.

Government response

31. While it is currently not an offence not to be registered to vote, it is an offence not to provide information required by an ERO. Not responding to an annual canvass form could lead to a criminal conviction. Under the White Paper proposals we are not planning to remove this offence therefore it will still be compulsory to return a Household Enquiry Form (HEF) informing an ERO of the names of all eligible electors resident at an address. However, there will be no criminal offence associated with an individual not applying to register when invited to do so. Introducing such an offence would be a significant step as it would mean that failure to respond to an invitation to register would be a criminal act.
32. We have listened to and carefully considered the concerns that have been raised. Our position remains that we do not intend to criminalise individuals for not registering to vote; however we recognise that there is a debate to be had about the merits of the proposal that we introduce a civil penalty for not returning an IER form. While this could drive up response rates to invitations to register, introducing a civil penalty would mean that anyone who failed to respond to an invitation to register could be liable for such a penalty. We would need to think carefully about the circumstances under which such a penalty would be issued and depending on the approach, enforcement may create administrative overheads. We will set out our final decision in the Bill as introduced.

Constituency boundaries

33. **Committee recommendation 4: For the next parliamentary constituency boundary reviews to be fair and representative, electoral registers across the country need to be at least as complete – and as consistently complete – as they are now. The Government needs to ensure that its proposals will achieve this end.**

Consultation responses

34. This concern has been echoed in many consultation responses including those of the EC, AEA, unions, women's and BME groups. Members of the public voiced concerns that the timing of combining the introduction of IER with boundary reviews will lead to many areas being underrepresented in 2020. This concern was echoed by MPs and political parties who expressed concerns that a significant drop in registration rates will lead to the creation of constituencies with a small number of constituents but large populations.

Government response

35. We are committed to ensuring that the maximum number of eligible people are on the electoral register and are confident that our proposals for IER support the creation of a complete and accurate register.
36. We funded research into the completeness and accuracy of the current register, published by the EC on 14th December 2011¹, to ensure that we understood the state of the register within the existing system to inform our plans for IER. This report was the first of its kind in over a decade and it showed the importance of modernising the electoral registration system. The EC will also be measuring the completeness and accuracy of the register before and after the transition to IER, and we are planning our own research after the transition to IER to enable us to measure the effectiveness of the changes.
37. The biggest reason for under-registration remains people moving home. We are looking at how we can better help home movers get on the electoral register in the right place as part of the move to IER. This will include further data matching pilots with an emphasis on targeting home movers.
38. In addition to the EC research, we commissioned a literature review which was carried out by Dr Stuart Wilks-Heeg. This will be published alongside this document. The review identified key trends in relation to completeness and broad tendencies relating to accuracy. We are taking this research into account as we continue to develop the detailed plans for IER.
39. **Committee recommendation 5: There is a risk that the electoral registers in December 2015 will be particularly varied in their levels of completeness; this matters because they will be used under current legislation as the basis for the next boundary review. We recommend using instead the registers as they stood on or before general election day in May 2015.**

Consultation responses

40. An alternative approach, suggested by numerous respondents to the White Paper, is extending the carry forward arrangements by one year to 2016.

Government response

41. While we have considered both of these suggestions, we have concluded that extending the carry forward arrangements would introduce a great risk as we would be including individuals on the register whose entries had not been verified and who had not responded to the 2014 or 2015 canvass including several invitations being sent to them and the use of door to door canvassers. Given that we could not be confident that these electors still reside at the address listed in the 2012 register and that they are genuine electors, we are not minded to extend the carry forward period. This risk would also apply if the registers as they stood on general election day in May 2015 were used as these would be out of date by December 2015.
42. We believe that the most accurate register for the 2015 boundary review will be the register published at the end of the 2015 canvass. At this point only individuals whose entries have been verified will be on the electoral register and we will have greater confidence in the accuracy of that register. The electorate will then have also had more than a year to register individually and

¹ EC (2011): Great Britain's electoral registers 2011. EC

will have been contacted a number of times by their ERO at a time when political awareness is at its highest due to the 2015 General Election. In addition, we are confident that our plans for maintaining the register, in particular our intention to use data matching to verify as many electors as possible will maintain or increase the completeness of the registers.

43. We are therefore not minded to change the intention to use the December 2015 registers as the basis for the 2015 boundary review.

Groups at most risk of falling off the register

44. **Committee recommendation 6: We recommend that the EC's public information campaign around the launch of individual registration include as an important element strands aimed at encouraging those in groups currently under-represented on the electoral rolls to register to vote.**

Government response

45. The EC have noted that they "intend to design [their] public awareness strategy to target groups who are currently under-represented on the register; building on the evidence and successes of [their] previous work". We are currently working with the EC on the plans for public awareness activity to inform the public of the move to IER, and as part of the transition we are also conducting research into under-registration and identifying possible barriers and risks to registration for groups under the new registration system. We will use this evidence to inform our decisions on how we implement the changes to ensure that registration levels remain as high as possible. This is not just a job for Government but will involve everyone, particularly EROs, MPs, the media and all those in leadership in communities.

Consultation responses

46. In addition to the Committee's recommendation, many consultation responses have raised the issue of groups most at risk of falling off the register – identifying these as students, elderly citizens, young people, those from BME groups, those who are socially disadvantaged and those with disabilities.
47. The AEA expressed specific concerns regarding how to reach those living in houses of multiple occupation, including but not limited to students and those in residential care homes. They also acknowledged that some elderly people may be confused by the system and therefore be reluctant to participate; and that those with disabilities or those for who English is not their first language may 'opt out' rather than ask for help. In their response to the consultation, the National Union of Students noted that "the removal of joint registration for university halls of residence could have a negative impact on electoral participation among the student population".
48. The Scottish Assessors Association (SAA) made the recommendation that the legislation should enable EROs to identify and target those in under-represented groups and indemnify EROs against any suggestion of bias even where such groups are perceived to have particular voting preferences. They have also suggested that EROs should be allowed to designate certain properties such as care homes where household registration continues to be possible. Those representing groups currently under-represented on the register have emphasised the importance of ensuring that the new system is accessible and that the new requirements – particularly the identifiers required do not discourage those in these groups from registering.

Government response

49. We acknowledge these concerns and are currently working with organisations representing these groups to establish ways that the registration process and the transition for these groups can be as simple and accessible as possible. We also note the AEA's suggestion that understanding of different groups needs to be nuanced as not all BME groups are less likely to register.
50. The advantage of the approach outlined above, to data match and then automatically confirm individual entries in the register; will help manage this potential problem by allowing EROs to focus their efforts on a smaller section of the population, most in need of assistance during the transition.
51. **Committee recommendation 7: There may be a small number of people who neither have the required documentation nor are able to travel to an office to attest to their identity. We recommend that the Government ensure that people in this situation are not deprived of their right to vote.**

Government response

52. Our intention is that no eligible individual who wishes to register to vote will be disenfranchised as a result of the registration process. We anticipate that the majority of eligible voters will either be individuals who are already registered and are automatically transferred from the pre-IER register to the first IER register; or will follow the standard registration process as they will have access to their date of birth and National Insurance Number (NINO). We have looked at specific groups who may not have a NINO and concluded that these are very small numbers.
53. However, we acknowledge that there will be individuals who are unable to provide this information and we are designing an 'exceptions' process for them to use. This will consist of a list of alternative documentation which can be provided and will also take into account those who are unable to travel to an electoral office to attest to their identity. We are also looking at the lessons which can be learned from the system of attestation currently in place in Northern Ireland. Further details of the process will be set out in secondary legislation and guidance.

Improving registration rates

54. **Committee recommendation 8: We recommend that the edited register should be abolished.**

Consultation responses

55. The Committee cited concerns over the sale to commercial organisations of personal details gathered by the government for electoral purposes. This recommendation was echoed by the EC and AEA. However, responses from 192.com and groups involved in finding people, for example those representing adopted people seeking to trace their birth parents, supported the retention of the edited register as it currently is, with better guidance for the public on the use of the opt out.

Government response

56. The Government is aware of and considering the finely balanced arguments on the future of the edited electoral register. The Government takes the handling of personal information seriously, and is committed to working to maximise registration rates. This needs to be balanced against the potential economic impact of abolishing the edited register. The Government's approach to

this issue is currently under consideration in the context of the wider access regime for the electoral registers.

Homemovers

- 57. Committee recommendation 9: We recommend that the Government explore ways of improving the sharing of information between local authorities, especially where potential electors move house.**

Consultation responses

58. The EC recommended that IER enables the comparison of electoral registers held by different EROs to ensure that duplicate entries can be identified and that the Government should begin consulting on how this will work by the end of 2011.
59. The AEA expressed concerns that there was no mechanism for transferring the information of an individual who had registered under IER across to another ERO if they moved house.

Government response

60. In line with the Committee's recommendation, we are looking at how to improve the sharing of information between local authorities to improve the ability of EROs to identify home movers. This includes assessing the usefulness of a number of data sources in identifying home movers, and working with service providers to identify opportunities to integrate electoral registration into other transactions at local and national level which people carry out when they move. It will be essential that the IT to enable the implementation of IER allows a more integrated approach between local authorities, to support the sharing of information when this helps a citizen move their electoral registration as seamlessly and conveniently as possible.
61. We are considering introducing a requirement for electors completing an application form to declare whether their application is to replace a previous registration and if so, to indicate their previous address. An ERO could then inform the citizen's previous ERO of the change of address, for the inaccurate entry to be removed. We are also looking at other methods of eliminating inaccurate entries on the register which could include the use of other trusted data sources to identify potential housemovers, although further piloting will be needed to test this.
62. However the Government is clear that we do not support the creation of a central database of electors and are not minded to create the capability for each electoral register to be systematically cross checked against every other register, to identify potential duplicate entries. This would in all likelihood be very resource intensive and require the holding of unique identifiers about all citizens. The evidence from the Electoral Commission's research suggests that the main cause of inaccurate entries on the register is people moving home and the Government believes that this should be the main focus of our efforts.

Canvass arrangements for 2014

- 63. Committee recommendation 10: We recommend that the Government take steps to ensure that the electoral registers used for identifying individuals in the initial round of invitations to register under IER, as well as those used for the 2015 general election, are as accurate and complete as possible. We have heard serious concerns that the Government's current proposals will**

miss an unacceptably large number of potential electors, and calls from many of our witnesses for a full household canvass in 2014 to address this problem. We believe, given the unique circumstances of the change to IER, that the Government should reconsider its decision not to hold a full household canvass in 2014.

- 64. Committee recommendation 11: One alternative to holding a full annual household canvass in 2014 would be to identify those parts of the country with a significant level of annual turnover on the electoral register, and to provide for something like the usual annual household canvass to take place in 2014 just in those areas. For this to happen, some parts of the country will need more funding than others. We recommend that the Government confirm that this is its intention.**

Consultation responses

65. Mixed views have been offered on the 2014 canvass. However concerns were generally raised that the December 2013 register will not provide a sufficiently accurate, up to date, complete basis for the sending of invitations to electors to register under the new system. Some organisations, including the EC, agree with the Committee's recommendation that a full canvass should be carried out in 2014; however others, such as SOLACE, expressed the view that "asking electors to complete a household canvass in one month and an individual registration form, with appropriate identifiers, soon after, may cause unnecessary confusion." The SAA also offered the view that flexibility should be given to the timing of any doorstep canvass to take advantage of the increased canvassing time offered by light summer evenings.
66. Instead of a full annual canvass in 2014, both the AEA and EC suggested delaying the 2013 canvass to the first part of 2014.

Government response

67. Having considered the views of the Committee and electoral administrators, it is our intention to move the 2013 canvass to early 2014. This will provide an up to date register available for both the European Parliamentary Elections and the transition to IER. If we proceed as outlined in paragraphs 10-12 above once the full evaluation of the data matching pilots is known, it is this register which will be used to data match currently registered electors to enable them to be automatically added to the new register where we can verify their information and also to identify those who cannot be data matched who will receive a personal invitation to register.
68. In the context of simplifying the transition process for individuals, we are also looking at the information an ERO can take into account when deciding whether to send a Household Enquiry Form and then send invitations; and at the possibility of EROs carrying out door to door inquiries before sending invitations as we acknowledge that these judgements will vary. Many areas with high population turnover currently start the annual canvass with a doorstep canvass process, and it would not be our intention to constrain EROs from taking such an approach if this was the best approach in their area.
69. The process of transition to IER will be fully funded by the Government. While further consideration is needed on the approach to allocation of this funding, we are sympathetic to the needs of those areas where the transition poses the biggest challenge and will ensure that these needs are taken fully into account.

70. In the White Paper we also posed the question as to whether in 2014 applications should be issued by all EROs at the same time and possibly on the same day or within a specified period to achieve the full benefits of the EC's publicity campaign. There was support for linking the sending of invitations to the campaign; however, respondents favoured a 2-4 week window rather than one day. We are content to agree this suggestion, and will look for the initial write out in 2014 to take place in a two week window.
71. We also asked about the optimal timing for the write out. Concerns were raised, particularly from administrators, about a start date of July as it was felt that it would not allow much time between the European Parliamentary election in June 2014 and the proposed start date. While we recognise the significant pressure which electoral administrators and their teams will be under in 2014, we anticipate that the steps set out in this paper to simplify the process for as many electors as possible will make the transition to IER easier. There will be fewer individuals to write to and this should also open up the possibility of starting sooner than the autumn. We are therefore in discussions with key stakeholders about whether the optimum time to write out would be July or September; however, we anticipate that both the write out and match will take place no later than September.

Consultation responses

72. Additional comments in relation to the 2014 canvass related to the testing of inserts and instructions on envelopes and a suggestion by the AEA that instead of asking an individual with incorrectly addressed IER forms to ask for a new form to be issued, an individual should have the ability to amend a pre-populated form with their own details.

Government response

73. It is our intention that all of the forms and envelopes which will be used for IER will be tested in advance of the first write out. We are also considering enabling an individual to amend an incorrectly pre-populated IER form with their own details and are looking at the legislative implications of doing this.

Postal and proxy voting

74. **Committee recommendation 12: We recommend that the Government look closely at applying the same carry forward arrangements for the 2015 General Election to postal and proxy registrations as to other registrations, to avoid inadvertently disenfranchising vulnerable electors.**

Consultation responses

75. The AEA has also suggested that the proposal to remove the absent vote facility from individuals who are carried forward in 2014 should be reconsidered; a view which has been echoed by other organisations including groups representing those with disabilities, MPs and political parties. Other suggestions include aligning the IER and postal vote application processes and allowing EROs to confirm the details of proxies resident outside their area. The AEA has also welcomed the requirement for a proxy to be registered under IER but has expressed the view that consideration should be given to aligning the IER application process and postal voting application process as far as possible. They have also noted their previous concerns about the potential abuse of the system using a waiver system within absent voting. The Labour Party has expressed the view that when parties are provided with the full electoral register, this should include an indication of those who

previously had a postal vote but are not registered under IER and will not be able to use this voting method unless they reply.

Government response

76. We have considered the concerns raised by the AEA and other organisations in relation to the removal of the absent vote facility from those who have been carried forward in 2014. However, we intend to retain the position set out in the White Paper. The use of data matching to passport individuals across to the new register will mean that a number of current postal voters will be able to retain their postal vote in the 2015 General Election. Others who are not automatically added to the new register will be given an opportunity to register under the new system in 2014 and, if they choose not to, will still be able to cast a vote in person at the 2015 General Election. As set out in the White Paper, one of the drivers of IER is tackling electoral fraud (and vulnerabilities to fraud) to restore voters' confidence in the system. Moving to a position where all those casting postal votes have been verified through IER will add an additional safeguard to the system from the earliest possible opportunity. Those with disabilities who are reliant on absent methods will be given as much support as possible to enable them to register under IER and retain their postal vote and we will ensure that EROs are able to confirm the registration status of proxies who reside outside their area.
77. In relation to the alignment of the IER and postal voting registration processes, we acknowledge the concerns raised and are taking a first step towards this in relation to the postal vote identifier refresh. Current postal voters are required to refresh their identifiers every five years. We now intend to delay the postal vote refresh in 2014, and bring forward the refresh in 2015 so that all electors currently using postal voting methods which are due to be refreshed in 2014 or 2015 will be asked to provide these details at the same time as registering under the new system. Those who have been automatically confirmed on the first IER register under the approach outlined in paragraphs 10-12 above will be asked to provide their refreshed identifiers at the time they receive a letter confirming that their name appears on the new register and will be followed up in the normal way.
78. The Government notes the AEA's comments on the waiver system. The Government takes the integrity of the electoral system very seriously, and has been considering the issue of a waiver system as part of its programme for modernising that system. However, we are anxious to avoid a legislative solution that would risk reducing access to the electoral register for certain groups of individuals, including those with disabilities and learning difficulties. We therefore have no plans to change the current rules governing waivers for absent voters. The Government will continue to keep this subject under review.
79. **Committee recommendation 13: We recommend that the Government take the opportunity provided by the introduction of individual registration to consider dropping the requirement of a signature as a personal identifier to cast a postal vote once IER is well-established. This is because of the unreliability of the signature as a personal identifier, and because those electors wishing to cast a postal vote under IER will already have had their identity verified by other means.**

Government response

80. We have considered this recommendation and will look at this issue again in the future once IER is well established. However, our current view is that while a signature is not the most robust method of verifying an individual's identity, it plays a key role in ensuring that the person casting the postal vote is the person who has been through the postal vote application process. This combined with IER verification adds a further layer of security to the postal voting process.

Resources

81. **Committee recommendation 14: We recommend that the Government publish the information, including draft secondary legislation that electoral administrators need to deliver the necessary infrastructure for individual registration, as soon as possible after the Individual Electoral Registration Bill is introduced.**

Consultation responses

82. This view has also been expressed by several consultation respondents who also note the need for a more detailed breakdown of costs and for the IT systems to be fully tested. Concerns have been expressed that a big bang approach could put undue pressure on IT systems.

Government response

83. The Government is committed to providing as much information as is possible at the right point. A high level implementation timeline has been published alongside this document to support those preparing for the implementation of IER.
84. We are committed to publishing draft secondary legislation during the Bill's passage, but want to ensure that we get it right and do not settle precise details before it is sensible to do so. The Impact Assessment which we will publish alongside the legislation will contain a more detailed breakdown of costs. We will also ensure that IT systems are fully tested before implementation commences.
85. **Committee recommendation 15: We conclude that there is a strong case for the EC to be given powers to intervene where EROs consistently fail to meet agreed performance standards.**

Consultation responses

86. This recommendation was endorsed by the EC and the Electoral Reform Society who view this as being a method of ensuring that electors across the country receive a consistent service. However, when this issue was discussed at one of the oral evidence sessions the Committee held, John Turner, Chief Executive of the AEA, stated "The EROs and Returning Officers are statutory officeholders under statute and they have duties to perform. There are steps in the legislation that can be taken if they do not, and the Commission has the parallel track of being able to report on performance anyway, which they have recently done on EROs. I think it then finds its way through the sausage machine." SOLACE has also commented "The work of EROs is funded by the appropriate local authorities, and the EROs are accountable to their employers, they should not be put in the potentially difficult position of having 'two masters'".

Government response

87. It is important that citizens receive a high-quality service when registering to vote and we are currently looking at ways this can be achieved. However, giving the EC powers to intervene where EROs consistently fail to meet agreed performance standards would be a significant change in the role of the EC.
88. Currently, the EC issues performance standards for Returning Officers (ROs) and EROs. They are also required to monitor the performance of electoral administrators. In instances where the Commission has concerns about ERO performance, following a recommendation from the Commission, the Secretary of State or Lord President of the Council has a 'power of direction' to require EROs to comply with any general or special directions in relation to the discharge of their functions. To date this system has worked well and we therefore see no need for this to change when IER is introduced.
89. However, as IER is implemented and moves into business as usual we see two distinct roles needing to be fulfilled. The first is a role to ensure that implementation is happening on the ground. However, instead of a monitoring role, we view this as implementation support which provides specific advice and support on the changes required to deliver the policy. For example providing technical, hands-on advice on IT systems or data security requirements to assist EROs in meeting their performance standards and offering a consistent service.
90. There is then a role of monitoring both how EROs are implementing the policy and the use they are making of the available infrastructure support. This is a role we see the EC as ideally placed to fulfil, in line with their current responsibilities for performance standards. As a last resort the Secretary of State or Lord President of the Council has the ability to issue formal directions to an Electoral Registration Officer when they are in breach of their legal responsibilities.
91. **Committee recommendation 16: We recommend that the Government ensure that the funding it provides to support local authorities with the transition to IER is ring-fenced for this purpose.**

Consultation responses

92. This recommendation was echoed by many respondents including the EC, AEA, EROs and local authorities. The AEA also expressed specific concerns about the timescales and resources available to deliver the transitional arrangements during the annual canvass in 2014. The EC also emphasised the need to ensure that sufficient funding is available for all activities associated with implementing the change and also recommended identifying effective ways of ensuring funding is used only for electoral purposes. The AEA also highlighted this imperative, noting that the successful implementation of IER depends on funding going directly to electoral services. They also suggested that any funding needs to continue after 2015 and should not simply be seen as one-off capital funding. This view was also echoed by EROs and Local Authorities.

Government response

93. We are committed to funding the transition to IER and £108m has been allocated to this as part of the Spending Review settlement. On the precise mechanism to be used to fund local authorities, more information will be made available shortly.

Data matching

- 94. Committee recommendation 17: The evidence we have received suggests that data matching will be of limited effectiveness, especially in identifying potential electors. We recommend that the EC publish its evaluations of the pilots before second reading of the Bill, in order to inform debate.**

Consultation responses

95. Concerns have been raised about the quality of data held at a national level. It has been recommended that this needs to be resolved for data matching to be successful and has also been noted that not all data sources and matching are likely to be relevant in every ERO's area.
96. The AEA response highlights the importance of local data matching and recommends that the issue of two tier local government areas should be resolved in legislation to enable this.
97. The AEA and SAA has asked that the power to require a person to provide information to an ERO available under regulation 23 is retained. We are not planning to make any changes to these powers through the introduction of IER.
98. The EC also suggested that where risk mitigation approaches such as data matching are proved to be effective, EROs should be required to use them.

Government response

99. As outlined above, the data matching pilots have concluded and the EC's evaluation will be completed by March. This will include an assessment of how far the schemes achieved the purpose of assisting the local registration officer to meet their registration objectives. The results of these pilots will thereafter be available to Parliament to inform its deliberations on IER. Our view on a key benefit of data matching for the transition to IER has been outlined at paragraphs 10-12 above.
100. The data matching pilots have also helped us understand the challenges associated with data matching against the electoral register for the purposes of verification, not least the legal, technical and administrative issues to be addressed; but we are confident that the pilots suggest that this can add real value and intend to carry out further pilots to refine the approach further, and to develop an efficient and effective system ready in time to support the implementation of IER.

Consultation responses

101. The EC has also expressed the view that however useful data matching proves to be, further consideration should be given to alternative options to ensure the completeness of the register through the transition period. One of their suggestions was carrying out an initiative in schools similar to that used in Northern Ireland, whereby attainments have an opportunity to register to vote at school.

Government response

102. We are currently exploring this possibility alongside a number of other options for encouraging individuals to register, and we are keen to learn from best practice in other jurisdictions.

- 103. Committee recommendation 18: Data matching can only be a success if local authorities are provided with the information they need in a timely and helpful way. We regret that the Ministry of Defence has taken so long to co-operate with at least one of the data matching pilots. This suggests that there may be a need for better central co-ordination and ministerial oversight of the data matching programme.**

Government response

- 104.** We have learned lessons from the pilots in terms of making the process of data matching more effective and efficient and have put some of these lessons into practice to provide nine of the twenty-two pilots with more up to date DWP records.
- 105.** We are also considering the issue of improving armed forces registration rates and we are exploring a number of options for improvements to the registration scheme for service personnel. We are investigating whether there are benefits in continuing to use MoD data for the purpose of data matching. The pilot tested an arrangement and we have identified ways to improve the process for any data matching between MoD and local authorities in future.

Treatment of personal data

- 106. Committee recommendation 19: The Government's proposals for data collection, retention and disposal appear to us to be proportionate. However, much of the detail is still unknown.**

Consultation responses

- 107.** In their response, the EC noted that "people are concerned about the uses to which any personal data they supply may be put" and recommended that safeguards for personal data are set out in secondary legislation.
- 108.** In the White Paper we specifically welcomed views on handling personal data. Many respondents noted the importance of taking into account the views of police and prosecution organisations.

Government response

- 109.** Offences under the Representation of the People Act are subject to a 12 month limitation period and given the rules of evidence, it has been suggested that no alteration is made to the IER forms as originally submitted in whatever format they have been received. Following conversations with the police and crime prevention organisations, it is therefore our intention to require EROs to retain IER forms, in their original state, for 12 months. Further information regarding the storage and destruction processes will be set out in secondary legislation. In designing these, we will ensure we take into account the associated IT implications.
- 110.** We have considered the suggestion that an ERO should retain an individual's eligibility and nationality data to prevent unnecessary canvassing and make it easier for those who have chosen not to register to change their minds; however, as eligibility can change over time for a variety of reasons, we are keen that determinations are based on current not historic information.

Electoral Administration Provisions

- 111. Committee recommendation 20: The proposals published in July have been widely supported. We have had only a very limited opportunity to test the proposals published in September.**
112. The Government is grateful to the Political and Constitutional Reform Committee for its consideration of the draft electoral administration proposals. In particular, we are pleased to note that the proposals which we published in July have been widely supported. It is unfortunate that we had to delay the publication of one of our proposals until September; but it was necessary to resolve a number of issues before the clause could be published. We recognise that this gave the Committee only limited opportunity to test the provision, and look forward to further scrutiny as the legislative process continues.
- 113. Committee recommendation 21: We recommend keeping the deadline for postal vote applications at eleven days before polling day.**
114. We agree that the deadline should remain at eleven days before polling day. Moving it earlier would constrain the existing flexibility for electors to apply for postal votes reasonably close to polling day.
115. The Committee was also asked to consider whether the deadline for appointing polling and counting agents, currently at 2 working days before the poll, should be moved earlier in the timetable. The Committee did not give a view but having considered the issue further the Government believes that the change would be justified as it would ease the pressure on the administrative processes in the final few days before the poll and bring the deadline into line with that at other elections. The Government therefore intends to bring forward a draft clause in time for the Bill's introduction, which will move the deadline to 5 working days before polling day.
- 116. Committee recommendation 22: Unless strong evidence should emerge to the contrary, we recommend that the Recess Elections Act should be amended to allow writs to be issued in recess for any vacancies that arise where a Member effectively resigns their seat.**
117. We have considered this issue further in light of the continued uncertainty over the original policy intention behind this provision. The available evidence suggests that the Recess Elections Act is informed by the view that by-elections in the summer recess are undesirable due to concerns about the impact on electors and by-election turnout; and should be discouraged in circumstances where the timing of a vacancy arising is broadly within the control of Members (such as resignation). However, the Act retains sufficient flexibility so that in circumstances such as the death or a Member or where the timing of a vacancy arising is broadly beyond a Member's control (such as death, bankruptcy or elevation to the peerage) a by-election may then take place during the summer recess rather than leaving constituents unrepresented for potentially a significant period of time. In light of the further evidence we have obtained regarding the purpose of the Act's provisions, and given that the Act does not seem to have caused any difficulties in practice, we now do not propose to bring forward proposals to amend the Recess Elections Act 1975.

118. Committee recommendation 23: The provisions published in draft by the Government are largely technical, but the Government needs to be able to explain why it is making the package of proposals that it is, and why it is not taking forward other proposals for change in electoral law, particularly those put forward by the EC.

AND:

119. Committee recommendation 24: We recommend that in its response to this Report, the Government set out its position on each of the EC's proposals for further reform of electoral administration law.

120. The provisions which the Government has published form part of a package of measures to improve the way elections are run. They will serve to increase voter participation, further improve the integrity of our electoral system and ensure that the process underpinning our elections is more robust. These provisions (our proposals around the extension of the timetable in particular) make a number of changes which have been requested by the EC, the AEA and other stakeholders.

121. Our reasons for not legislating on other aspects of electoral law at this time are set out in our response to each of the proposals made by the EC in the evidence it submitted to the Committee.

Response to issues raised by the Electoral Commission in its written evidence to the Committee on the electoral administration provisions

Extension of the timetable for UK Parliamentary elections

122. Why is the Government proposing that the election timetable should continue to be counted forward from the dissolution of Parliament, rather than calculating deadlines backwards from polling day (as is the case for all other elections in the UK)? (9)

123. Primary and secondary legislation on this issue is inconsistent, with the timetable counted backwards from polling day in some places and forwards in others. The provisions which the Government has published look to improve the process itself, rather than to address complexities in wider electoral law.

124. As long as the key processes are aligned and the law is clear what happens for each poll, we do not believe that this is a significant problem.

125. However, the Government recognises the concern, which is why we are supporting the Law Commission's work to review and consolidate electoral law on exactly this kind of issue. The Law Commission plans to publish a scoping report early in 2012 and a consultation paper in the summer of 2014.

126. Why is the Government proposing greater flexibility for the timetable for Parliamentary by-elections and polls which are re-run due to the death of a candidate, including flexibility for the Acting Returning Officer over the setting of polling day? We do not see any reason why the rules for these polls should not specify that the length of the timetable will be the same as for a UK Parliamentary general election. (10)

127. The draft provision mirrors the existing by-election arrangements, which include this flexibility to ensure that the poll can be run on a Thursday (a fixed timetable might mean that the 25th working day – polling day – falls on another day of the week). For a normal general election the timetable begins on a day we know will result in a Thursday polling day.
128. **Although we support the proposal to lengthen the timetable at this stage, we are also disappointed that the Government has not taken this opportunity to carry out a more comprehensive assessment of the optimum length for the election timetable and the relevant electoral registration and absent voting deadlines. (12)**
129. In drawing up these proposals the Government has considered the issue carefully and engaged with key stakeholders throughout the drafting process. We have also considered the reports which have been published by the AEA, the EC and other stakeholders on this issue.
130. Extending the timetable for UK Parliamentary elections to 25 working days will improve the service that is currently provided to voters, particularly overseas and service voters, as well as adding to the robustness and integrity of the process.
131. With regard to aligning the deadlines for registration and absent vote applications, the Government does not propose amending these provisions at this time. The Law Commission is proposing to review and consolidate electoral law, and this sort of issue will be better addressed as part of this review. The Law Commission plans to publish a scoping report early in 2012 and a consultation paper in the summer of 2014.
132. **We recognise that there are currently different timetable lengths for different elections, and we do not necessarily believe that a single timetable should be imposed across all elections. Nevertheless, we believe that the Government should also take the opportunity to consider the relationship between the UK Parliamentary timetable and other statutory timetables. (13)**
133. The Government agrees with the EC that a single timetable should not be imposed across all elections. The devolution settlement means that it is not actually within the UK Government's power to amend the timetables for all UK polls. For example, the Scottish Government have competence for local government elections in Scotland. Implementing a 25 day timetable for all UK elections would also make some electoral timetables shorter (e.g. for Scottish Parliamentary and Greater London Authority (GLA) elections) when there is a reason for their extended timing (e.g. an additional week for creating the booklet of candidates for GLA elections).
134. In drawing up these proposals the Government has considered the relationship between the UK Parliamentary timetable and other statutory timetables. As the most frequent combination of polls is between general elections and local elections in England, we have focused on consistency between these polls. For example, we propose that the deadline for candidate withdrawals at local elections should be moved to 19 days before the poll (from 16 days before the poll) in order to achieve consistency with the extended UK Parliamentary election timetable and to ensure that the benefits of being able to print and distribute postal ballot packs earlier are retained where it is combined with local elections. This change will be made via secondary legislation.

Alteration of electoral registers: pending elections

- 135. The Government should amend the rules to allow an earlier dispatch of postal ballot packs than that which is possible under the current timetable, or explain why it does not intend to make such a change. (17)**
136. The Government intends to remove the restriction on issuing postal votes prior to the 11th day before the poll. The restriction is contained in Regulations and will therefore be removed by way of secondary legislation.
- 137. It is not clear why the Government has proposed to allow two additional publication dates for notices of alterations to the electoral register between close of nominations and the fifth day before polling day. The Government should quantify the benefit that it believes the second interim publication would bring. (18)**
138. Postal ballot papers can only be issued to postal voters who are on the electoral register. These two updates will allow those people who register to vote during the election campaign to be added to the register before the final register is published (5 days before polling day). The result is that electors who register and apply for a postal vote during the election campaign will not have to wait until after 5 days before the poll to receive their postal ballot pack. This will benefit all postal voters but particularly those who are overseas or in the armed forces.
139. The second interim publication date is determined by the ERO but must be a day after the first interim publication date and before the final publication date. This flexibility will allow EROs to adapt the process to suit local circumstances – for example, if in a given area significant number of registration and postal vote applications tend to be received in the period between 25 and 15 days before the poll, the ERO might choose to publish a new version of the register on or around the 10th day before the poll. In those circumstances second interim publication would allow more postal ballot packs to issue earlier than at present, without the Returning Officer having to wait until after the publication of the final update to the register.
- 140. It is not clear that an earlier interim publication date for alterations to registers would allow postal ballot packs to be sent any earlier to electors who have been granted a postal vote for a definite or indefinite period. Returning Officers would still be required to wait until after 5pm on the 11th working day before polling day to issue postal ballot packs to those electors. The Government should confirm that the proposed changes will be applied consistently for the different categories of people who have been granted a postal vote, or explain why it does not believe that such a change would be appropriate. (19)**
141. As set out above, the Government intends to remove this restriction via secondary legislation.
- 142. We would welcome confirmation that the UK Government intends these provisions to be applied to all elections for which the UK Parliament has legislative competency, including elections to the National Assembly for Wales and the proposed elections for Police and Crime Commissioners which we understand the Government intends will take place in May 2012. (20)**

143. The Government has discussed this issue with the territorial offices and the devolved administrations in Scotland and Wales and it has been agreed that these provisions will also be applied to elections for the Scottish Parliament, Scottish local elections, and elections for the National Assembly for Wales. This will ensure that postal ballot packs can also be issued sooner at these elections than is presently possible.
144. These provisions will not apply to elections in Northern Ireland as arrangements for registration and for postal voting in Northern Ireland differ from those in the rest of the UK.
145. Given that the elections for Police and Crime Commissioners are to take place in November 2012 and we cannot presume that these provisions will be law by then, we do not think it would be feasible to apply them to those elections. We will consider whether the provisions should apply for future elections for Police and Crime Commissioners to ensure that the benefits that flow from them are extended.
146. **We also recommend that the Government takes this opportunity to amend Subsection 5 of Section 13B of the Representation of the People Act 1983 so that the “the appropriate publication date” falls on the fifth day before polling only. Although, in practice, few EROs publish the last notice of alterations to the register on the sixth day before polling day, we are concerned that publishing on this date would mean that the registration deadline would effectively fall on the 12 working day before polling rather than the 11 day as at present. (21)**
147. The Government does not propose amending this provision at this time. The Law Commission is proposing to review and consolidate electoral law and we feel that the various complexities that exist in electoral law will be better addressed as part of this review. The Law Commission plans to publish a scoping report early in 2012 and a consultation paper in the summer of 2014.
148. **We also note the omission of referendums from this provision. Although the Parliamentary Voting System and Constituencies Act made an amendment to Section 13B specifically for the 5 May 2011 referendum, referendums are not currently covered by the existing 11 day provisions. We recommend that referendums held under the Political Parties, Elections and Referendums Act 2000 (PPERA) should either be included in both Sections 13AB and 13B to ensure consistency and limit opportunities for a negative impact on electors, or that this issue is resolved in a generic conduct Order for referendums held under PERA. (22)**
149. The existing sections (13AB and 13B) do not relate to referendums. The purpose of the draft provisions under consideration is to amend these sections in the context of a longer UK Parliamentary timetable, and the Government believe this should remain the central focus of these provisions.
150. Conduct and combination rules for referendums have in the past been set through the primary legislation which must necessarily precede any referendum, such as the Parliamentary Voting System and Constituencies Act referred to above. However, the Government recognises the benefits that a generic conduct order for referendums would bring, and we will consider this issue further, including through discussion with the Law Commission in the context of their review of electoral law as a whole.

Review of polling districts and places in Great Britain

151. Given that the provision means that formal reviews will take place less frequently, it is essential that all polling places and stations used should be kept under continuous consideration, and an evaluation of their suitability carried out after each election and any desirable changes implemented accordingly. (24)

152. The polling places review proposals will help to ensure that reviews can take account of boundary changes and are implemented ahead of future General Elections. Local authorities will retain their existing discretion to carry out a review of some or all of the polling places in their area at other times, should that prove necessary.

Other recommendations

153. We want the Government to change the law to make clear that eligible electors who are entitled to vote at a polling station and who are in the queue to enter the polling station at the close of poll will be allowed to vote, as recommended in our report on the problems at polling stations at the 2010 UK Parliamentary general election. (28)

154. In their report, the PCRC have agreed with the Government that careful planning and allocation of resources are likely to be more effective in ensuring all those who are eligible can access their vote without resorting to legislation.

155. We are clear that electors who wish to cast their vote should not be prevented from doing so by administrative failings. In most cases where problems occurred at the 2010 general election, the EC found the common factor to be that inadequate planning processes and contingency arrangements were in place. Addressing these should be the priority before looking for a legislative solution, and the Government will work with electoral administrators and the EC to ensure adequate guidance on planning and contingency procedures is available, and that electoral administrators have the support they need to carry out their vital role in ensuring elections are administered effectively.

156. We also recommend that the Government examine the case for requiring electors to show identification at polling stations in Great Britain. The introduction of such a requirement must balance accessibility for electors against the need to have a robust and secure system of polling. (29)

157. The Government keeps the question of an identification requirement for electors at polling stations under review, whilst remaining mindful that the absence of a universal form of ID in the UK means that any voter identification requirement would need careful consideration to ensure that it covers all voters. The Government is considering how best to ensure the integrity of the electoral process is maintained and our approach will take into account wider reforms to registration and voting processes. In particular, the plans to accelerate the introduction of individual voter registration will help protect against fraud by improving the accuracy of the electoral register.

158. The rules for all types of election should be amended to specifically allow Police Community Support Officers (PCSOs) to enter polling stations. (30)

159. The Government is considering the benefits and practicalities associated with amending the law to enable PCSOs to attend polling stations and counting venues under the same conditions as police officers. Following consultation with Chief Constables, we will decide whether to take forward legislative proposals to allow this to happen.
160. **Feedback from Returning Officers and electoral administrators suggests that many returned postal votes are rejected because voters' signatures have changed since their first application. Returning Officers should be given powers to request a refreshed identifying signature and also provide electors with feedback if their identifier has been rejected to address this problem. (31)**
161. We agree with the Committee, the EC and electoral administrators that consideration should be given to the steps which can be taken to reduce the risk of electors invalidating their ballot papers in error through mistakes on the postal voting statement. We are grateful for the recommendations and feedback received which will help to inform our approach to the issue. The Government is clear that the essential security measure of checking personal identifiers for postal votes must sit alongside any efforts to ensure the postal voting process supports effective participation by those electors that choose it.
162. **The checking of returned postal votes is an important measure against postal voting fraud. It should be mandated that 100% of returned postal votes have their identifiers checked against those supplied at the time of application, rather than the current legal minimum of 20%. (32)**
163. The Government has announced that it will be introducing provisions to ensure that 100% of returned postal vote identifiers are checked. Whilst the EC found no evidence of widespread electoral fraud in its analysis of the 2010 General Election, this proposal will further ensure the integrity of the electoral process and provide an additional safeguard against electoral fraud.
164. The previous Government provided sufficient funding for 100% PVI checking to take place at the 2010 General Election, and in view of the fact that the overwhelming majority of ROs checked 100% of PVIs at that election, it seems sensible to require this high standard at future elections.
165. **The Government should also take immediate steps to amend the emergency proxy provisions to broaden the eligibility criteria. The criteria should at least include—though not necessarily be limited to—caring responsibilities including the medical emergency of a dependent or other person, bereavement and reasons related to employment. (33)**
166. The Government intends to extend the 'emergency' proxy voting facility to enable those called away on business or military service unexpectedly, and at short notice, before an election, to appoint a proxy to vote on their behalf. This change will be made via secondary legislation and will allow more people the opportunity to exercise their right to vote, even where their circumstances have changed unexpectedly.
167. At present, emergency proxy voting is only available on the grounds of illness. As the AEA noted in its report on the 2010 General Election, a number of electors found they would be absent unexpectedly on polling day for reasons other than illness but had missed the deadline to apply for a proxy vote.

168. We have therefore listened to calls from members of the public and stakeholders such as the EC and the AEA, who have reported cases where this proposed extension would have enabled more people to vote in past elections. This provision will help to ensure that such people do not face the same situation again.
169. There are a number of other reasons why someone might discover at short notice that they are unable to attend their polling station, such as bereavement, but the Government does not intend to legislate for every scenario. Of primary importance is the need for EROs to have access to information which shows applications are genuine, and so we must ensure that applications for 'emergency' proxy votes are attested by the relevant person (or that there is a service declaration in place).
170. **We again call on the Government, in the strongest possible terms, to repeal provisions which allow for the commercial sale of the edited register. We firmly believe that the electoral register should not be used for commercial gain and that an individual's data, given for civic purposes, should not be sold to companies wishing to profit from it. (34)**

AND:

171. **Also, as stated in our response to the IER White Paper, we are concerned about the potential for confusion about the uses of peoples' personal data to erode public confidence the registration system, and therefore believe that the introduction of IER strengthens the case for ending the sale of the register. (35)**

AND:

172. **We do, however, believe that it would be useful for access to the full register to be extended to academics. At present, academics are unable to access the register for research purposes. A scheme is currently in place to allow academics access to census data and an equivalent could be put in place for registration data. (36)**
173. The Government is aware of and considering the finely balanced arguments on the future of the edited electoral register. The Government takes the handling of personal information seriously and is committed to working to maximise registration rates. This needs to be balanced against the potential economic impact of abolishing the edited register. The Government's approach to this issue is currently under consideration in the context of the wider access regime for the electoral registers.
174. **The Parliamentary Voting System and Constituencies Act 2011 gave the Chief Counting Officer for the May 2011 referendum the power to specify modifications to the wording or appearance of certain voter-facing forms and notices to make them easier for voters to understand or use. We would like to see a similar power for the EC extended to other categories of election, to ensure that essential information is provided in a format that is easy for voters to understand. (37)**

175. The Government is considering the effectiveness of this provision from the Parliamentary Voting System and Constituencies Act, among others, and believes that in the interest of the voter all election materials should be produced with the overall objectivities of clarity and accessibility. However, national consistency is not necessarily essential for all elections – it would be dependent on the circumstances. To this end, we value the work which the EC undertook to ensure that forms which were used for the referendum were thoroughly tested by users, ensuring that they were accessible and ultimately well received by voters. We will look to build on this good work to ensure that similar improvements are made to the statutory forms and notices which are used for UK and European Parliamentary and Local Government polls. In order to take this forward we will work with the EC and other stakeholders.
176. **Finally, though we see no reason to move polling day from its traditional Thursday, we would recommend that the Government considers the introduction of a system of advance voting (enabling people to vote at a central polling station between one and seven days before traditional polling day). Allowing electors to cast their vote prior to polling day would offer a new channel for voting that would complement absent voting and improve access to the democratic process. (38)**
177. The Government agrees that there is no reason to move polling day from its traditional Thursday to another day of the week. We are aware that there are those who argue that moving voting to the weekend would be more convenient; although others have argued that it could lead to a reduction in turnout as people tend to value their weekend time. Faith groups, local authorities and those involved in the electoral community are, from representations made in recent years, generally against a move to weekend voting, the latter citing resource and costs issues alongside concerns about practicability. At present, the Government has no current plans to change polling day to either a Saturday or Sunday.
178. Turning to the specific recommendation, the Government considers that whilst advance in-person voting is not available in the UK, voters are already able to cast their vote in advance of the poll by post. A series of pilot schemes were run by local authorities under the last Government between 2000 and 2007. The EC conducted an evaluation of the pilots, and found that where advance voting was offered, few people used it and overall turnout was not enhanced as a result. Furthermore, an Ipsos MORI survey the following year asked a sample group ‘what, if anything, would make voting easier/more convenient for you?’ with just 8% of respondents supporting advance in-person voting or additional hours of polling. On this basis, we do not believe there is a strong case for re-considering advance voting at the present time.

Additional consultation responses – IER

Speeding up the move to IER

179. Mixed responses have been received regarding the speed of transition. For example, the Labour Party cite concerns about the “rushed timetable for implementation”; whereas the Organization for Security and Co-operation in Europe (OSCE) note that “Implementation of IER is planned to commence in 2014, a welcome change to previous plans for a slower introduction.” There have been suggestions that implementation should not begin until after the 2015 General Election.

Government response

180. We are committed to speeding up the implementation of IER to 2014 and believe that this is the right time to commence implementation. We welcome the fact that the principle of IER has received support from all of the major parties and are committed to ensuring that the speeded up timetable does not disenfranchise any eligible electors and we have put our proposals out for pre-legislative scrutiny and consultation. We have learned lessons from the experience of Northern Ireland and have introduced the carry forward arrangements to ensure that no electors currently on the register are unable to cast a vote in the 2015 General Election.

Carry-forward

181. The White Paper proposed a special one time carry forward arrangement that would ensure that those who failed to respond to the canvass of 2014 would remain registered for the 2015 General Election.

182. The Committee noted in their report that “this is a sensible way of ensuring that people have plenty of time to register and do not find themselves accidentally deprived of their right to vote in 2015.” However they raised the concern that “coupled with the absence of a household canvass in 2014...these carry-forward proposals are likely to mean that millions of electors will be registered in the wrong place for the 2015 election.” This view is echoed by the OSCE. Other organisations were broadly supportive of the carry forward, however some called for the carry forward to be longer than one year and the SAA suggested that instead of a carry forward there should be a clear campaign emphasising the importance of individual choice and explaining that electors not providing the required details should be removed from the register and lose their vote by

December 2014. Support was also offered for the carry forward provision being extended for devolved elections in 2016.

Government response

183. We welcome these comments and are committed to ensuring that the electoral register is as accurate as possible following the introduction of IER. As noted in paragraph 42 we are not minded to extend the carry forward for longer than one year. We are confident that our new proposals, combined with the amended canvass we have always promised in 2014, will be effective. While we are not currently minded to extend the carry forward, we recognise the challenge this could bring for the devolved elections in 2016. We are committed to encouraging registration and engagement and are keen to discuss this issue with the Scottish and Welsh Governments to see what might be achieved in advance of those elections.

Juries

184. Concerns have been raised in most responses to the consultation in relation to juries. Firstly, the impact IER, and specifically a reduced register, could have on how representative juries are and secondly a concern that some electors may choose not to register to vote to effectively opt out of jury service.

Government response

185. Jury service is an important civic duty and the courts service uses the electoral register to select jurors. It is important therefore that they have as complete and accurate a list of people as possible to select from. The Government is investing heavily to achieve this through IER.

186. It is currently not an offence not to be registered and we have no evidence that the possibility of being called for jury service leads to people removing themselves from the registration process.

2015 Canvass

187. In response to the proposals set out in the White Paper in relation to the 2015 canvass and the process of IER, a number of recommendations were made. The AEA raised concerns about the impact of IER on workloads in the run up to the 2015 General Election and the potential disenfranchisement of large numbers of people applying to vote given the multiple elections taking place in that year. Their recommendation was that the verification system is thoroughly pressure tested to ensure that it is sufficiently robust to cope with large numbers of last minute applications. Concerns were also raised in other consultation responses about the strain which will be placed on Electoral Administrators being required to make multiple visits to properties.

Government response

188. We agree and fully intend to ensure that the verification system is sufficiently robust before IER is rolled out. Work is now underway with to ensure that the process is robust, timely and can operate effectively in the period immediately before a general election.

Opting out of the edited register

189. The SAA raised concerns about how an individual would be able to express, on an annual basis, whether or not they wanted to opt out of the edited register through the HEF. The AEA also

commented on this issue, noting that “the retention of an entry in the electoral register should also apply to their previously expressed choice about whether they wish their details to be included in the edited register, unless that elector actively opts to amend that previous choice.” They also suggested simplifying the HEF process by not sending a HEF to single person households.

Government response

190. The design of the HEF has not yet been finalised but we will take these views into account. With regard to the SAA’s suggestion that HEFs should not be sent to single person households, the process will be slightly different depending on whether the individual was already registered. In 2014, if an individual is on the register they will either be automatically transferred to the new IER register through data matching or would receive an individual registration form which would only involve responding to one document. For those properties where no electors are registered, the individual would need to return a HEF to inform the ERO that they were resident and that there were no other residents in the property. In 2015 and beyond, the registration officer would seek annual confirmation that the individual (and no-one else) was still resident at their property through a HEF, but the individual would not need to make an application or provide verifying information such as a National Insurance Number each year in order to remain registered. For households with no registered electors, as in the transition period, a HEF would need to be completed to ensure that the ERO has complete information regarding who is resident in the property – until this is returned the ERO may not know how many individuals are resident.

Removing electors from the register

191. The EC has also noted that EROs should be required to seek further evidence, including through data matching, that an elector is no longer at an address before deciding to remove any names from the electoral register on the basis that they have been deleted from a HEF.

Government response

192. We are currently designing the process an ERO will need to follow before an individual can be removed from the electoral register and specifically considering the role that data matching will play in this.

Applications held pending determination

193. The AEA has also noted that under the new system there is the potential for a large number of applications to be held while identifiers are verified or other checks are carried out and has asked whether there will be a time after which the application ‘expires’ or when an ERO would be required to invoke a review process to resolve such applications.

Government response

194. We intend that the verification process should take place swiftly, and in any event take no longer than 5 working days. Any applications which require checks beyond this point will be processed as soon as possible after this time and individuals will be kept informed of the progress of their application. We anticipate only a very small number of applications requiring this additional time. We are currently considering whether to introduce a provision for an ERO to reject an application after a specified time if they have not received satisfactory evidence to determine the application.

195. It has also been suggested that in areas where the response rate to a canvass is 85% or above, telephone canvassing should be used. This is something we will consider.

Power to amend or abolish the annual canvass

196. The White Paper invited views on the provisions in the draft legislation to amend or abolish the annual canvass.

Consultation responses

197. The response to this was broadly positive but many responses referred to this only taking place when the time is right e.g. when data matching has been proved to be working properly and when registration rates have been restored if there is an initial decline in registration rates following the introduction of IER. The EC also noted that the legislation should set out that the EC must be consulted on any proposal to amend or abolish the canvass and indicated that they don't believe that 3 months will necessarily be sufficient time with which to produce a report. They would prefer that the legislation remain open to the Minister and EC determining the timescale for reporting according to the circumstance.

198. The AEA noted that EROs may have entered into contracts lasting years to achieve cost savings and this will need to be taken into account should a decision be made to abolish or amend the canvass.

Government response

199. At this stage we are not planning to amend or abolish the annual canvass and we will ensure that careful consideration is given to the most appropriate timing of doing so should any proposals be brought forward in the future.

200. We note the EC's comments in this regard, and are in discussions with them about the timescales that might be appropriate when the EC is required to report on any future proposal to abolish the annual canvass.

Verification

201. Two aspects of verification set out in the White Paper were the verification of an individual's identifiers (NINO and DOB) against the DWP database and the proposed address verification process.

Consultation responses

202. Commenting on the verification of an individual's identifiers, respondents highlighted the need to ensure that the technical infrastructure is robust enough to handle significant volumes of data and that a manual contingency process should be in place. Some respondents felt that the requirement to provide a NINO and DOB could be a barrier to registration or could be seen as intrusive or disproportionate which could decrease registration rates; with others noting that alternative verification methods could be problematic for disabled groups. One member of the public also expressed the view that as well as a NINO and DOB, individuals should be required to provide something physical and unique to themselves such as a fingerprint or signature.

Government response

203. The detail of the exceptions process and the acceptable alternative documentation will be clearly set out in advance of implementation. We are taking the views of respondents into account as we design the process and will work with groups representing those with disabilities to ensure that the process does not disenfranchise those they represent. The verification process is designed to give additional assurance to EROs that the person making an application is genuine. The process will therefore be designed to be as simple as possible for both citizens and administrators. We will ensure that the verification system is thoroughly pressure tested in advance of IER going live and that contingency arrangements will be in place.

Consultation responses

204. We have also received several responses relating to the proposal not to require a 'wet' signature. The majority of which were supportive as long as assurance can be given by experts that this will not compromise trust in the system or the ability to investigate fraud. However some concerns were raised about how, without a signature, it would be possible to prove who had completed an IER form given that most people have access to their partner/children's NINO and DOB. The Liberal Democrats also had concerns with the proposal to remove the requirement for a wet signature, and went further suggesting that "IER provides an opportunity for similar security (to that used for postal voting) to be introduced when electors vote in person."

Government response

205. We have discussed our policy on IER and our proposal to remove the requirement for a wet signature with police and crime prevention organisations. There was recognition of the need to strike a balance between accessibility for the vast majority of people, and the use of signatures as a possible indicator of fraud. It was agreed that overall the package we are proposing will strengthen the registers against fraudulent entries, whether created for the purposes of electoral fraud or financial fraud. In addition, we will aim to provide a range of information which might indicate fraud, and therefore provide a trigger for an investigation, to EROs and to law enforcement agencies. We will continue to work with these organisations as our plans develop over the coming months and if we feel that requiring a wet signature for some applications (for example those sent by post) is preferable then we will legislate accordingly.

206. We have also considered the suggestion that a signature should be required at application stage and then replicated when an elector casts a vote in person; however, our view is that, whilst signatures play a key role in ensuring that a person casting a postal vote is the same individual who originally applied for it, the additional verification procedures inherent to IER would not be significantly enhanced by extending the requirement to provide a signature to all those who wish to register.

Consultation responses

207. Many respondents also expressed the view that the exceptions process should only be available for those unable to provide a NINO and DOB rather than extending this to those who were unwilling. Commenting on the proposal, SOLACE noted that "this appears to be a recipe for confusion for EROs and potential electors and may cause particular problems for late registration close to elections."

Government response

208. We have taken into account these concerns and while we believe that there is a need to maintain an alternative process for verification, we are minded to move to a position where this process will be available for those who are unable to provide the standard identifiers but not for those who are unwilling.

Address Verification

209. In terms of address verification, there was some support for the proposed address verification process whereby an individual whose application was not made in response to a pre-populated IER form would be sent a confirmation code once their application had been processed which would need to be returned to an ERO before they could be added to the register. However, the majority of responses were not in favour of this proposal raising concerns that it could lead to confusion and electors not activating their registration. The EC suggested that further consideration should be given to other methods of verification based on a power to request documentary proof of residence on data matching or a combination of the two.

Government response

210. Establishing evidence of a connection between an address and an elector is critical and can be carried out for the majority of electors simply and systematically either by matching name and address against a trusted data source, or receiving an application in response to a 'write out' to a specific address. There is however no comprehensive source of data to verify an asserted connection with an address, and therefore we have aimed to have a process which provides a level of assurance about the connection between an elector and their address, without any significant barriers to registration. Many respondents to the consultation were concerned that a further write out and response of a unique identification number required after an unsolicited application is received would act as a significant disincentive and administrative burden, particularly before an election.

211. We have therefore amended the proposed approach. When an unsolicited application to register to vote is received, instead of having to return a further form to prove a connection with an address, a confirmation letter will be sent to the given address informing the person that their registration has been successful. This letter will provide contact details to inform the ERO if the named individual is not resident at the property. This approach has been developed in consultation with law enforcement agencies.

212. Some respondents mentioned the proposal to develop a market of identity authentication providers. The local ERO will remain responsible for determining a person's eligibility to vote and whether or not the person is added to the electoral register. As outlined in the White Paper, the IER legislation will allow for the possibility of citizens registering to vote through certified digital mechanisms that may emerge in the future. But initially the new process for electoral registration will be based on citizens providing their details (e.g. name, address, National Insurance Number) for verification against DWP records.

Special Category Electors

213. The White Paper set out the proposal that Special Category Electors will be invited to register under IER when their existing declaration expires.

Consultation responses

214. This proposal was supported by the majority of respondents – although the AEA noted that there was no reason why these electors could not be invited before their declaration expires. The AEA also recommended that “there will need to be an effective system for ensuring that EROs are notified of a current contact address for service voters” and indicated that they “would welcome the opportunity to work with the UK Government, including the Ministry of Defence, on ensuring such a system is established.”

Government response

215. Special Category Electors who wish to register under IER before their declaration expires will be able to do so and we will encourage electors in this group to register as early as possible; however, to ensure that no electors in these groups are disenfranchised, we will enable them to remain on the register until their existing declaration expires without them having to register under the new system. We welcome the AEA’s offer to work with us to ensure that EROs have current contact addresses for service voters.

Confirming nationality and franchise

216. The White Paper sought views on whether methods of checking nationality and immigration status should be investigated.

Consultation responses

217. Mixed responses were received to this question. Some felt that the current arrangements were sufficient; others thought it would be a useful check but could impact on applications made in the run up to the election.

Government response

218. It is our intention that IER forms will clearly set out the eligibility requirements for registration. In addition, all electors declaring a Commonwealth nationality will be asked to declare their immigration status. We will also continue to explore the possibility of checking nationality and franchise against the UKBA database. We will ensure that the final process is straightforward for EROs.

Dual Registration

219. A number of people have commented on the fact that an individual can be legitimately registered in two places. The AEA have expressed the view that this should not continue as have the SAA who feel that “on-demand absent voting and rolling registration negates any arguments for dual registration as everyone has, or is connected to, a primary substantive residence.”

Government response

220. Under current law, electors who are determined to be resident in more than one place by the ERO in each place may register to vote in more than one place, but it is an offence to vote twice in an election to the same body. Whilst there are arguments on both sides of this debate, the Government have no current plans to change this system.

Role of EC in guidance and form design

221. In responding to the consultation, the EC has noted that “The draft legislation published with the White Paper includes a provision requiring EROs to ‘have regard to any guidance issued by the Secretary of State about the determination of applications under this section’. The Commission produces comprehensive guidance for EROs. We would expect to issue revised guidance to EROs on the determination of registration applications under IER. It therefore seems unnecessary for an additional guidance function to be given to the Secretary of State; the Commission should take on this role.”
222. The AEA has also noted that “the EC may ‘determine’ the forms to be used for individual electoral registration or that these forms may be ‘prescribed’ (possibly by the EC)... We could not find a definition of ‘form’ in clause 9. Therefore we are unclear if the term can be equally applied to the means of application via an online or other channels and if the EC will be responsible for designing these ‘forms’.”

Government response

223. The clause in the draft legislation should be seen in the context of the overall verification system that we are designing: it may well be necessary to go into technical detail about how the new system should operate with practitioners and how the new procedures should be applied in order to be consistent with the intent of the legislation. Judgements about making a determination here may need to be finely balanced and we think it is appropriate, with Government as the body responsible for managing the transition, for these sorts of judgements during the transition phase to IER to be informed by guidance from Government, but we will continue to work with the Commission ahead of the legislation being introduced into Parliament to ensure that a comprehensive, timely and user friendly guidance can be provided to practitioners on the new system.
224. With regard to ‘forms’, it is our intention that the application process, in whichever channel is designed in such a way as to be easily understood and completed which is why we want to use the EC’s input and expertise here.

Day II

225. Given the proposals for IER, the AEA have expressed “serious concerns about the practicability of retaining the deadline for registration applications at eleven days before the poll.” However, one IT supplier suggested reducing the deadline to 6 or 7 days before poll and considering Election Day registration in the future.

Government response

226. We acknowledge the AEA’s concerns, however, it is our view that eleven days will be sufficient under the new system. EROs will still have to wait 5 working days following the receipt of an application for the objection period, during this time the verification process for individual electoral registration will take place and as now EROs will send out final poll cards and postal voting packs 6 days before an election.

Objections period

227. With regard to the objections process, the AEA note that “the introduction of the new system presents an opportunity to consider whether there should be an objections period at all in respect

of applications to register given the greater assurance as to the identity of an applicant and given that objections can be made to entries to the register." This view is echoed by the SAA who recommend that the pre-publication objections period should be removed but the ability to object post publication should be retained.

Government response

228. We want to maintain the objections period as it adds additional protection against fraudulent entries. While the verification of applicants under IER will provide an ERO with additional assurance that the person applying is the subject of that application, the objections process provides an opportunity for the bringing to light of any other reasons for which an individual should not be registered. It is our intention that under IER, verification will take place at the same time as the objections period and an application will therefore be determined by an ERO after 5 working days.

Northern Ireland

229. In the White Paper we invited views on the best approach to take on aligning Northern Ireland legislation on IER with the rest of the UK. The EC agreed that the long term aim should be the creation of a UK wide system.

Government response

230. Our long term aim of aligning Northern Ireland legislation with the rest of the UK remains and we intend to identify the optimum vehicle for aligning the two systems once IER has embedded within Great Britain.

Channels

231. In response to the consultation, the AEA expressed the view that vital key decisions need to be taken urgently regarding the scope of registration channels and mechanisms for verification.

Government response

232. It is our firm assumption that the primary channels will be postal and digital. We are looking carefully at additional channels and will provide further information on these as soon as it is practical to do so. Protecting electors' personal data is a very high priority and in designing these channels we will ensure that all of these provide a secure mechanism for the transfer, storage and use of personal information and that they meet the appropriate standards required for data held by public bodies.

Offence for onward disclosure of information

233. In response to the proposed new offence for the onward disclosure of information, the EC offered the view that the offence should be widened to include the unauthorised 'use or disclosure' of this information.

Government response

234. We are considering the EC's recommendation.

List of respondents

Organisations²

Aberystwyth Students Union
Aldwych Group (Russell Group Student Unions)
Amber Valley Borough Council
Arun District Council
Ashfield District Council
Association of Electoral Administrators
Association of Electoral Administrators – London
Association of Electoral Administrators – Southern
Babergh and Mid Suffolk District Councils
Bethnal Green and Bow Conservatives
City of Bradford Metropolitan District Council
Bristol City Council
Broxtowe Borough Council
Burnley Borough Council
Cabrinia Children's Society
Caerphilly County Borough Council
Calderdale Metropolitan Borough Council
Callcredit
Cambridge City Council
Camden Council
Catch 21
Centre for Women & Democracy
Children in Wales
Christchurch Borough Council
CIFAS
Committee for Standards in Public Life
Communication Workers Union
Cornwall Council
Coventry City Council
Coventry City Council Conservatives
Croydon Council

² Local Authorities cited in the list of organisations include responses from both the Local Authority and Local Authority officials

Dartford Borough Council
Doncaster Metropolitan Borough Council
Durham County Council
East Dorset District Council
Eastbourne Borough Council
East Northamptonshire Council
Edinburgh University Students Association
Electoral Commission
Electoral Reform Society
Enfield Council
Equifax
Exeter City Council
Exeter Electoral Services Manager
Finance and Leasing Association
Gedling Borough Council
Gedling and Phoenix Labour Branch
GMB
Great Yarmouth Borough Council
Green Party
Halarose
Halifax Conservatives
Haringey Local Authority
Harlow Council
Information Commissioners Office
Islington Council
Kettering Borough Council
Kirklees Council
Labour Campaign for Electoral Reform
Labour Party
Lancaster Local Authority
Leeds University Union of Students
Lichfield District Council
Liberal Democrat Party
Liverpool Guild of Students
Liverpool City Council
Local Government Boundary Commission for England
Local Government Boundary Commission for Wales
London Borough of Newham
Loughton Residents Association
Maidstone Borough Council
Manchester City Council
Mind
National Union of Students
New Forest District Council
Newark and Sherwood District Council
North Hertfordshire District Council
North Somerset Council
Northampton Electoral Group
Northampton Borough Council
Opt2Vote

OSCE / ODIHR
Oxford City Council
Plaid Cymru
Plymouth Labour Group
Reading Local Authority
Ribble Valley Council
Rother District Council
Royal National Institute for the Blind
Runnymede Trust
Scottish Assessors Association
SDLP
Sense
Scope
Sheffield for Democracy
South Lakeland District Council
South Norfolk Council
St Edmundsbury Borough Council
Stevenage Borough Council
Swale Borough Council
Swansea Students Union
Swansea University, Department of Political and Cultural Studies
Tamworth Borough Council
Thanet District Council
Title Research
Tonbridge and Malling Borough Council
Unlock Democracy
Wandsworth Council
Welsh Government
Welwyn Hatfield Borough Council
West Berkshire Council
West Dorset District Council
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