

Submission to the Committee on Standards in
Public Life on the work of the Electoral Commission
in Northern Ireland

June 2006

1. Introduction

1.1 The Electoral Commission's mission is to foster public confidence and participation by promoting integrity, involvement and effectiveness in the democratic process.

1.2 The Commission's Northern Ireland office based in Belfast has responsibility for delivering the corporate aims of the Commission in the context of Northern Ireland. The office ensures that the Northern Ireland dimension is fully represented in the strategic thinking and operational planning of the Commission. The Commission's four office in Belfast, Edinburgh, Cardiff and London work to the same corporate plan and targets, the development of that plan and targets being informed by the devolved context. Northern Ireland does not have a resident Commissioner although Karamjit Singh takes a special interest in Northern Ireland affairs. The Commission acknowledges that it would be preferable if there was a resident Commissioner in Northern Ireland as is the case in Scotland and Wales.

2. Responsibility for electoral matters in Northern Ireland

2.1 In common with the rest of the UK, there is no single body or organisation responsible for elections in Northern Ireland but several different bodies and institutions with varying responsibilities. However, there is a greater degree of centralisation than exists elsewhere in the UK. Key responsibilities in Northern Ireland are as follows:

- The Secretary of State for Northern Ireland is responsible for electoral law and policy applying to all elections in Northern Ireland and this is administered through the Rights and International Division of the Northern Ireland Office based in London. Electoral matters are 'excepted' and have not been devolved to the Northern Ireland Assembly.
- The Department of Constitutional Affairs has general oversight of legislation governing UK Parliamentary, European Parliamentary elections and for funding UK Parliamentary and European Parliamentary elections.
- Elections and registration of electors are administered centrally by a Chief Electoral Officer and serviced by the Electoral Office for Northern Ireland (EONI). The Chief Electoral Officer is appointed by the Secretary of State for Northern Ireland and is both the Returning Officer and Registration Officer for all elections. The EONI, which consists of a headquarters in Belfast and nine area electoral offices located across Northern Ireland, supports the Chief Electoral Officer in carrying out his statutory duties. Just over 40 staff are employed on a full time basis by the EONI.
- Local authority Returning Officers are responsible for the conduct of elections at local level, but operate under the

direction of the Chief Electoral Officer. All local authorities in Northern Ireland are unitary.

2.3 The Commission's responsibilities and functions in Northern Ireland largely – but not entirely - reflect those it has in England. For example, the Commission has responsibilities to register political parties and regulate their election campaign spending; to scrutinise election law; to raise public awareness and to report on major elections, including those of the National Assembly. The Commission will also acquire additional functions under the Northern Ireland (Miscellaneous Provisions) Bill currently in Parliament which provides for the introduction of a donations control regime in Northern Ireland for the first time.

3. The Electoral Commission in Northern Ireland

Corporate plan

The corporate plan which is published annually sets out our key objectives and targets over the coming five year period. The 2006-07 to 2010-11 plan contains four key objectives and 17 targets against which our performance as an organisation is measured. The remainder of this submission sets out the work and planned activities of the Commission's office in Northern Ireland as defined by the Commission's four key objectives.

Objective 1: Confidence and participation in the democratic process

3.1 Turnout at elections in Northern Ireland has until recently been considered by commentators to be healthy. However, in recent years turnout has given increasing cause for concern. Turnout at the UK Parliamentary election in Northern Ireland in 2005 was 63.5%, in comparison to 61.4% in Great Britain. Significantly, the 12 constituencies recording the largest decrease in turnout were all in Northern Ireland. Stakeholders, including some political parties, have expressed their disquiet at the recent decline in turnout, given that Northern Ireland has traditionally been viewed as setting the benchmark for the rest of the UK.

3.2 A key aim of the Commission is to promote and encourage involvement in the democratic process. This work involves commissioning and undertaking research to help understand electors' motivation and behaviour. We recently produced the results of research into the registration and voting behaviour of two groups currently under-represented in terms of registration and voting:

- research to explore and measure the attitudes and behaviour of young people aged 16-24 towards participation in the democratic process, including electoral registration and voting.¹
- research into black and minority ethnic communities' participation in the democratic process in Northern Ireland²

¹ Youth participation in the democratic process. Institute for Conflict Research and PricewaterhouseCoopers August 2005

3.3 A key aspect of the Commission's work in Northern Ireland has been the multi-media public awareness campaigns aimed at promoting the annual canvass and forthcoming elections. The system of individual registration in Northern Ireland and the requirement for photographic ID at polling stations necessitates separate public awareness campaigns separate to those that the Commission undertakes in England, Scotland and Wales. The campaigns in Northern Ireland include:

- Television and radio advertisements
- Regional and daily newspaper coverage
- A dedicated website
- A free phone helpline to deal with queries on registration and photographic ID
- Household leaflet distribution
- Outdoor advertising including poster sites and bus advertising

3.4 The public awareness campaigns are supported by public relation activities which include outreach activities to specific groups, such as young people and students, to encourage registration and voting. To date, the public awareness campaigns have been primarily information-based to inform people of the registration process and the need for prescribed photographic identification. After the final annual canvass in autumn 2006, we aim to develop campaigns which emphasis the importance of registration and voting. However, there will continue to be a need to communicate changes to the registration system as a result of the move to continuous registration.

3.5 After each major advertising campaign we commission independent research to gauge the success or otherwise of our campaigns. The latest wave of research carried out in 2005 showed that awareness of the key messages was high for example:

- Almost eight in 10 (77%) of a representative sample of the 18+ population is aware of the need to complete an individual registration form
- Over nine in 10 (92%) possess at least one of the four forms of prescribed photographic identification³

3.6 For the last two years the Commission has worked with and actively engaged with schools, colleges, universities and voluntary and community groups to encourage participation in the democratic process. Activities have included facilitating mock elections, attendance at festivals and exhibitions and targeted registration drives at college and university campuses across Northern Ireland. We have recently launched the Democracy Cookbook which

² Black and minority ethnic communities' participation in the democratic process in Northern Ireland. OMI Consultancy June 2005

³ At the May 2005 elections, 3,818 people turned up to vote without the correct identification, representing just over 0.5% of the total number of people who voted

is a resource aimed at engaging young people in activities centred around democracy and participation. We have also recently appointed a participation officer who will work with groups to encourage greater interest and involvement in the democratic process.

3.7 In April 2006 we launched the Partnership Grants Scheme across the UK to encourage greater involvement in democracy. Grants will be awarded to organisations working with people who are less inclined to participate in democracy. Such groups include young people not in formal education, people from minority ethnic communities and those with disabilities. A large number of organisations in Northern Ireland have applied for funding under the scheme.

Objective 2: Fair arrangements for elections delivered to consistently high standards

Reporting on elections

3.8 Under Section 5 of PPERA the Commission has a statutory duty to report on the administration of referendums and certain elections including UK Parliamentary elections, European Parliamentary elections and elections to the devolved institutions including the Northern Ireland Assembly. The Commission is not required to report on local government elections but can do so at the request of a relevant body.

3.9 In addition to reporting on the UK Parliamentary elections in 2001 and the European Parliamentary in elections in 2004, which included information on Northern Ireland, the Commission has to date published two statutory reports on elections in Northern Ireland. The first covered the 2003 Assembly election and was the first independent report on an election in Northern Ireland⁴. The second, published in December 2005 reported on the combined UK Parliamentary and local government elections held in May 2005⁵. The Secretary of State for Northern Ireland had asked the Commission to report on the local government elections.

3.10 The election reports cover a range of issues including the build-up to the election, polling day, turnout, media coverage and the count. They are informed by a large number of sources including public opinion surveys, focus groups, observer reports, access audits, surveys of poll staff, candidates and agents and analysis of party campaigns. A recent survey of key stakeholders showed that the Commission's election reports are generally regarded as informative and authoritative. The reports contain a number of recommendations aimed primarily at the Chief Electoral Officer and EONI. We are pleased to report a number of these have been taken forward.

The Electoral Fraud (Northern Ireland) Act 2002

⁴ The Electoral Commission, *The official report on the Northern Ireland Assembly elections*, April 2004

⁵ The Electoral Commission, *Election 2005: Northern Ireland*, December 2005

3.11 The Electoral Fraud (Northern Ireland) Act 2002 was introduced primarily to combat perceptions of electoral fraud. The legislation fundamentally changed the voter registration process in Northern Ireland. It replaced the system of household registration with individual registration, whereby all eligible persons had to register individually on an annual basis and provide personal identifiers in the form of date of birth, National Insurance number and signature. The Act also requires voters to produce a specified form of photographic identification at a polling station before being issued with a ballot paper. It also gives Presiding Officers the power to ask a third statutory question, namely 'What is your date of birth?'

3.12 When the first electoral register under individual registration was published, it contained approximately 120,000 (10%) fewer names than the final register compiled under household registration. In accordance with or remit to keep under review and, from time to time, submit reports to government on electoral law and practice, we produced a research report which assessed the workings of the Electoral Fraud (Northern Ireland) Act 2002 in its first year in operation⁶. An analysis of the drop in numbers registered conducted by PricewaterhouseCoopers for our research concluded that the drop was largely explained by the non inclusion of duplicate names on the register as had been the case under the system of household registration. Since the introduction of the Act we have conducted research to monitor perceptions of electoral fraud and the impact of the Act.

3.13 In response to concerns about the decline in numbers registered explored in our research reports, and elsewhere, the Government reinstated approximately 70,000 electors onto the register ahead of the May 2005 combined elections. Those reinstated comprised all eligible persons who had failed to re-register during the 2004 annual canvass but whose names appeared on the register at 1 September 2004. The reinstatement mechanism was employed again to boost the register published on 1 December 2005, when approximately 90,000 electors were reinstated.

3.14 The Commission's research informed the Government's decision to move away from the legal requirement for the electoral register to be refreshed each year. The Northern Ireland (Miscellaneous Provisions) Bill, currently before Parliament, replaces the annual canvass with a system of continuous registration. By introducing the new system the Government aims to enhance the comprehensiveness of the register. A key element of the Bill is the provision for data sharing arrangements between the Chief Electoral Officer and other statutory agencies in Northern Ireland. There will also be provision for the comprehensiveness and accuracy of the register to be tested at frequent intervals. The Commission will continue to monitor the impact of the new system on levels of registration.

Objective 3: Transparency in the finances of political parties and candidates

⁶ The Electoral Commission, *The Electoral Fraud (Northern Ireland) Act 2002: an assessment of its first year in operation*, December 2003

3.16 The Commission adopts a UK-wide approach on this issue. Financial returns can be viewed by the public in our offices throughout the UK including Belfast. The Commission does however maintain a separate register of political parties in Northern Ireland. The Commission arranges briefings on regulatory issues for parties in Northern Ireland.

Northern Ireland Reimbursement Scheme

3.17 Following the postponement of the May 2003 Assembly election, the Northern Ireland Assembly Elections (Registered parties and Candidates) Reimbursement Scheme 2003 was introduced. The Commission was asked to administer the scheme which was designed to reimburse parties for expenditure incurred in respect of the postponed election. The scheme specified the type of expenditure for which parties and candidates could seek reimbursement, and outlined the criteria with which they had to comply in order to be reimbursed. In total, the Commission received 12 party claims and 92 candidate claims, amounting to a total of £585k. The NIO was responsible for making payments.

Donations to political parties

3.18 PPERA introduced greater transparency into the funding of political parties primarily to counter concerns about the undue influence that could be exercised through political donations in the UK.

3.19 When the law was introduced, the Government decided that Northern Ireland political parties would be exempted from PPERA donation controls because of concerns that donors could be at risk if their details were known publicly and that this could discourage donations to parties. An Order disapplying Chapters I to III of Part IV of PPERA was made on 15 February 2001. As a result the rules on permissibility and reporting of donations have not been applicable to Northern Ireland political parties.

3.20 The exemption was originally granted for a four year period with a review after two years. In January 2005 the Government announced its intention to extend the disapplication until February 2007. At the same time the Government announced a commitment to introduce a scheme which would bring the rules applying in Northern Ireland more into line with those in Great Britain. Consequently, in August 2005 the Northern Ireland Office consulted publicly on the introduction of donations controls for parties in Northern Ireland. Two models were proposed in the consultation document.

- Full application of the PPERA controls currently operating in Great Britain (option 1)
- A transitional scheme, with parties required to report donations and the information held on a confidential basis by the Commission (option 2)

In response we argued that option two could not achieve a fundamental purpose of donation controls, which is transparency in the financial affairs of political parties. However, we recognised that a transitional model might emerge as a way forward, and offered to play any role given to us as effectively as possible.

3.21 The Northern Ireland (Miscellaneous Provisions) Bill provides for the introduction of a donations control regime. Under the terms of the Act it is envisaged that after 31 October 2010 a fully transparent system will be introduced along the lines of that currently operating in Great Britain. Until then the transitional model will run from 1 November 2007 until 31 October 2010 (The Secretary of State for Northern Ireland has the power to extend the 2010 date by increments of two years). During the transitional period donation returns will be made public and the information on donations and loans will be held on a confidential basis by the Commission. The Commission has established a working group to prepare for the new Northern Ireland donations regime.

Objective 4: A modern, efficient and effective Electoral Commission which is well regarded in the wider community

3.22 Since its establishment the Electoral Commission has developed good relationships with stakeholders in Northern Ireland. The Commission's presence is generally considered as positive and we are viewed by a majority of stakeholders, including the political parties, as having benefited the democratic process in Northern Ireland.

Political parties

3.23 Following the setting up of the Commission's office in Northern Ireland an Assembly's Parties' Panel (APP) was established. The APP meets on a quarterly basis and all parties represented in the Assembly attend. The APP primarily acts as a forum for sharing information and has been central to developing good working relations with all the political parties. The Chief Electoral Officer and senior staff from the EONI attend meetings of the APP. We recently conducted a survey of parties who attend the APP and feedback suggested generally that parties are satisfied with the current format and feel the APP to be of benefit to the party.

3.24 Overall, the Commission enjoys good working relationships with the political parties. Commission events and seminars are well attended by elected representatives and the Commission attends the major party conferences on an annual basis. Feedback from the political parties and candidates after elections has confirmed that the Commission's office in Northern Ireland is generally regarded as well informed, cooperative and accessible. The Commission has regular contact with the parties and provides briefing on regulatory issues, guidance for candidates and agents at election time and seeks the views of parties to inform our reports. In the build-up to the May 2005 elections, we hosted, in conjunction with the EONI and Royal Mail, a series of electoral information seminars which offered practical advice on standing for election. In total, the seminars were attended by over 150 candidates and agents from a range of political parties.

3.25 It should be noted that opportunities to engage with locally elected members of the Northern Ireland Assembly have been significantly

curtailed since the suspension of the Assembly in October 2002. The impact of the lack of functioning devolution in Northern Ireland denies the Commission a key mechanism for engaging locally elected politicians. It also hinders outreach work around registration and voting as people find it difficult to make the connection between the issues they care about and the ballot box.

Chief Electoral Officer and the EONI

3.26 We have built up a proactive and constructive relationship with the Chief Electoral Officer and the EONI. Regular meetings are held between representatives from the Commission, EONI and NIO. This forum has been particularly successful in ensuring a coordinated approach is adopted particularly around key electoral events for the benefit of the electorate. The Commission will continue to work in partnership with the Chief Electoral Officer and the EONI in relation to a range of areas, including the development of performance standards and the introduction of continuous registration.

Local government

3.27 The 26 local councils in Northern Ireland have proved an effective outlet for the dissemination of Commission reports and research findings. A proportion of the councils are visited on an annual basis and topics for discussion have included the role of the Commission, the electoral registration system and turnout in Northern Ireland. At the request of the Secretary of State for Northern Ireland the Commission reported on the local government elections held in Northern Ireland in May 2005. The findings from the report were disseminated to delegates attending Northern Ireland Local Government Association's (NILGA) annual conference in February this year.

**The Electoral Commission
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