

Representation of the People, Electoral Registration and Administration Act 2013 (Transitional Provisions) Order 2015

House of Lords Debate

27 October 2015

Introduction

This briefing sets out the Electoral Commission's view on the *Electoral Registration and Administration Act 2013 (Transitional Provisions) Order 2015*, which brings forward the end of the transition to Individual Electoral Registration (IER) in Great Britain to 1 December 2015 from 1 December 2016 (the date currently set in law).

Our view

The Commission presented its [analysis](#) of the May 2015 electoral registers in Great Britain to Parliament on 18 June. This report found that, at that time, there were still **1.9 million entries being retained** under the transitional arrangements in place for the move to IER from the previous household system.

If the Order remains in force it would mean that any of these retained entries that are still on registers published for Great Britain by 1 December 2015 will be removed at that point. The Commission expects the annual canvass of households, which is currently being undertaken by Electoral Registration Officers (EROs) across Great Britain, to **significantly reduce this number** and therefore reduce the risk of retaining redundant entries for people who are no longer eligible to be registered (because they have moved house or died, for example).

However, taking this decision before the outcome of the annual canvass means **the Government has acted without reliable information** on how many redundant entries will be removed at the end of this year and how many eligible electors will need to re-register ahead of May 2016. The elections due to take place on 5 May 2016 include elections for the Scottish Parliament, the National Assembly for Wales, Police and Crime Commissioners in England and Wales, the London Assembly and Mayor of London, and local authorities and mayors in many parts of England.

The implementation of the new registration system has gone well so far. **But taking into account the data and evidence which is available at this point, and the scale and importance of the polls scheduled for next May, we continue to recommend that the end of transition should take place in December 2016 as currently specified in legislation. We therefore recommend that Parliament does not approve this order.** If Parliament decides to bring forward the end of transition we will, of course, work with Electoral Registration Officers, the

Government and others to ensure the associated risks are managed as well as possible.

Risks and Benefits

If the transition ends in December 2015, there is a potential **benefit** to the accuracy of the register – with any retained entries which are redundant or inaccurate being removed – but also a **risk** to the completeness of the register and to participation in the important set of elections in May 2016, with retained entries relating to eligible electors being removed. Any individuals removed from the register would, as a result, need to make a successful registration application in order to re-register and so to be able to vote in any polls held after 1 December 2015.

In contrast, if the transition continues to December 2016, the main **benefit** relates to completeness – with entries for any eligible electors who are not registered individually retained on the registers – with the potential **risk** being to accuracy, with retained entries which may be redundant or inaccurate being kept on the register for a further year unless the ERO takes steps to review or remove them.

In terms of managing these risks, the earlier timetable puts the greater onus on electors as they will need to take action in order to ensure they are able to remain registered and participate in the May 2016 polls. By contrast, the later timetable puts the greater responsibility on EROs to identify and take steps to remove redundant or inaccurate entries.

Assessment and Recommendation

It is likely that many of the entries that would be removed from the register when the transition ends will be redundant (i.e. they relate to people who are no longer resident at that address). However, at this time, we **cannot tell** how many are in fact for electors who are still resident and eligible to be registered to vote but who are not registered individually. We also **cannot tell** how this balance between redundant entries and those for individuals who are still resident and eligible to remain registered at that particular address varies across and within different local authority areas.

The Commission believes that there should be a compelling case for bringing forward the end of the transition from the date originally agreed by parliament. On balance, we believe that it is preferable to retain entries which may be redundant rather than remove now an unknown number of entries which relate to electors who are correctly registered and would otherwise have remained on the register. Retaining redundant entries on the registers does clearly have a negative impact on their accuracy. However, the volume of retained entries is not substantially greater than the volume of entries which were previously carried forward on household

registers in the event of non-response to the annual canvass, and we do not believe that these entries represent an unacceptable risk in terms of their fraudulent use. This is because ERO activity over the canvass period is designed to enable redundant entries to be identified and removed.

Response to the Government's Announcement

The Government's written ministerial statement on the end of the transition of Thursday 16 July announced £3m of additional funding to target those entries being retained on the registers. We welcome additional funding for EROs, but note that it will not be possible for EROs or the Government to fully assess the impact of any additional activity until after the registers have been published by 1 December.

However, this does not change the fact that we cannot know now how many retained entries will be removed on 1 December for people who should otherwise be able to vote in next May's elections without re-registering.

The announcement also identified the Parliamentary Boundary Review as a reason for bringing forward the end of transition. It is, of course, for Parliament to decide when the transition to IER should end. When Parliament made its previous decision, it decided IER should end in December 2016 in full knowledge of the forthcoming boundary review.

Electoral Registration Activity

The annual canvass started in July and has run throughout the autumn with the majority of activities due to be completed by 1 December. In some areas, the nature of the challenge means that some work is likely to be ongoing when the 1 December registers are published. For example, those areas with large student populations may still be working to secure responses from students, partly because they can only begin to contact them once they have taken up residence (from late September onwards).

The canvass will involve EROs in every local authority sending every household in their area a Household Enquiry Form. The form will confirm who is currently registered at that address and ask for any incorrect or out of date entries to be reported to them and for the details of any new eligible residents at the address to be provided so that they can be invited to register. New residents will be reminded that they can apply to register themselves immediately through the online registration system, or if they prefer, they can complete and return a paper application form. EROs are also expected to make personal visits where they don't get any response to their mailings. This activity will continue regardless of whether the Government's order is approved.

On 1 December 2015, should Parliament approve the Government's order, any of the 1.9 million entries on the register that have not been individually registered or already removed through the annual canvass process will be deleted from the register. The results of the canvass will not be known until an analysis of the registers at that point, which the Commission will do once the registers are published in December, and we will report on the outcome of this to Parliament as quickly as possible in 2016. At that point, any voter that was previously registered under the household registration system but is not registered individually will have to reapply if they want to vote in the elections happening in May 2016.

The Commission's analysis of the May 2015 electoral registers found that across Great Britain the percentage of retained entries on 343 registers (out of a total of 380) ranged between 1% and 6%. Nine EROs had retained entries making up 10% or over of all register entries (including the local authority area with the highest retention rate, Hackney, at 23%). These EROs were for predominantly local authorities in urban areas, including London boroughs, with highly mobile population and high student concentration. EROs and their teams in those areas are working hard to reduce these figures. Should the transition to IER end in December 2015, they will have plans in place to reach electors and encourage them to register to vote ahead of the May 2016 polls.

May 2016 Public Awareness Campaign

The Electoral Commission will be running a national campaign across the UK to encourage people to register to vote ahead of the May 2016 polls. It will be targeted at all adults, with a focus on groups that our research has identified as being less likely to be registered to vote, such as people who have recently moved home, people who rent their home, students, young people, and people from black and minority ethnic communities.

Some of this work is being undertaken in partnership with organisations and private companies that represent these communities or have a reach into them. We also intend to run a mass-media public awareness campaign across a mix of TV, digital, social media, radio and outdoor media, and will be providing template resources and tools for EROs and ROs to use locally as part of their public engagement work.

Background

We first recommended in 2003 that Great Britain should move to a system of individual electoral registration. In January 2013, the UK Parliament passed legislation to move to IER in Great Britain from 2014 to 2015, and it was introduced in England and Wales in June 2014 and in Scotland in September 2014.

The move to IER means that people register to vote individually, replacing the previous outdated system whereby the 'head of household' was responsible for registering those within their household. IER aims to increase public trust in our electoral system, encouraging people to take individual responsibility for their own registration. The new system is quicker and easier for many people as it also makes it possible to register online for the first time.

During the transition to IER, we have reported on:

- July 2014 – baseline assessment of the accuracy and completeness of the registers
- October 2014 – assessment of the confirmation process in England and Wales (data from Scotland will be available from November 2014)
- February 2015 – assessment of the write out to electors ahead of the publication of the December 2014 registers in England and Wales (an assessment for Scotland will be available in April 2015)
- June 2015 - assessment of the effectiveness of the transition up to that point to inform a Ministerial decision on whether the transition end date should be December 2015 or December 2016.

All of these reports can be found on the Commission's [website](#).

Questions for your local ERO

Should you wish to get more involved in electoral registration, contacting your local ERO (based at your local authority) could be a useful next step. You may want to ask your local ERO(s) about their engagement strategies and registration plans.

What the picture is for your area

- How many entries are still retained under the transitional arrangements and what are you doing to encourage them to register individually?
- How are you using local records to identify and target new electors?
- The Cabinet Office has announced a £3 million fund to assist EROs in Great Britain in their targeting of non IER registered electors; do you plan to make a bid for additional funding?

How activity is being targeted

- Please talk me through your public engagement strategy and registration plan.
- What are the key stages of the work you are doing between now and 1 December 2015 to engage with existing and new electors, and when are they taking place

- How do you plan to target attainers to maximise the number of eligible 16 and 17 year olds included on the electoral register?
- Do you have sufficient resources to deliver your plans effectively, including carrying out personal visits where necessary?
- How can I support your work using my local intelligence and networks?
- How can I stay updated on registration activity in my area?

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