

European Union Referendum (Voter Registration) Regulations 2016

9 June 2016

Introduction

This briefing sets out the Electoral Commission's views on the draft statutory instrument laid before Parliament to extend the deadline for people to apply to be registered to vote in the referendum on the UK's membership of the European Union, which will be held on 23 June 2016.

The effect of these Regulations, which amend the European Union Referendum (Conduct) Regulations 2016, would be to allow anyone in Great Britain to apply to register to vote up to midnight on 9 June 2016. Anyone who successfully applies before that point will be entitled to vote in the referendum.

The Commission called for the Government to consider options for introducing legislation as soon as possible to extend the voter registration and welcomes the speed at which the Government has taken steps to do this. The Commission supports these Regulations.

Background

The Government's voter registration website experienced technical problems from 10.15pm on Tuesday (7 June) night and these were not resolved until around the time of the registration deadline at midnight. A significant number of people (over 50,000) were on the website when it first crashed and many more will have attempted to go onto between 10.15pm and midnight. The Government will be able to more fully explain the extent of the problem and their assessment of what happened.

The deadline for registration is set out in legislation and it is not possible for Electoral Registration Officers to accept or process registrations for the EU referendum after midnight on Tuesday without a change in the law. Applications were required to have been completed and received by the Government's website before midnight on 7 June, so even if there were a practical mechanism for identifying who attempted to submit an application before the deadline this would not be sufficient for an Electoral Registration Officer to subsequently accept it.

In these exceptional circumstances, we concluded that it would be in the best interests of voters to consider options for introducing legislation as soon as possible that would extend the deadline. There was no other way of resolving this issue without a change in legislation.

The Government announced on 8 June that it would introduce legislation that will allow people who make applications to register on Wednesday 8 and up to midnight on Thursday 9 June to vote in the EU Referendum on 23 June. The Commission welcomed this proposal, which would mean that no one should miss out on voting in the referendum because of the problem with the Government's registration website.

Effect of the SI

The Order would amend a number of statutory deadlines and requirements for Electoral Registration Officers during the period before the referendum on 23 June, with the effect that the deadline for people in Great Britain to submit applications to register to vote ahead of the EU referendum, including by using the online registration website, would be extended to midnight on Thursday 9 June 2016. The extension to the deadline would not apply in Northern Ireland.

Any applications received before the new deadline will be processed and determined by Electoral Registration Officers, and any eligible person who has submitted an application which has been successfully determined will be added to the electoral register and will be able to vote in the referendum.

The Order would mean that final alterations to the registers to be used for the referendum would be published three days before polling day, rather than five days.

Considerations for Parliament

The UK Government was required to consult the Electoral Commission before laying this Order for approval by Parliament, and we received a draft of the Order yesterday afternoon. Having reviewed the draft Order we were content that it would have provided the necessary legislative basis for extending the deadline for registration applications across the whole of Great Britain and Northern Ireland. We note that the Order now tabled for approval by Parliament would apply only in Great Britain, and no longer includes provision to extend the deadline for registration applications in Northern Ireland.

We support this Order and recommend that Parliament should approve it. The UK Government should explain why it has decided not to introduce legislation to extend the deadline in Northern Ireland.

We also recognise that this change will lead to additional unanticipated resource pressures for Electoral Registration Officers and their staff in Great Britain, at a time when they would otherwise be finalising plans for delivering the referendum poll.

We will continue to closely monitor the delivery of preparations for the referendum poll as planned in the final two weeks before polling day.

For further information, please contact **Mazida Khatun**, Senior Communications Officer on 020 7271 0583 or mkhatun@electoralcommission.org.uk.