

# The May 2016 Northern Ireland Assembly election

Report on the administration of the 5 May 2016  
Northern Ireland Assembly election

September 2016

## Translations and other formats

For information on obtaining this publication in another language or in a large-print or Braille version, please contact the Electoral Commission:

Tel: 020 7271 0500

Email: [publications@electoralcommission.org.uk](mailto:publications@electoralcommission.org.uk)

We are an independent body set up by the UK Parliament. We regulate party and election finance and set standards for well-run elections. We work to support a healthy democracy, where elections and referendums are based on our principles of trust, participation, and no undue influence.

# Contents

Foreword.....	1
Executive summary.....	3
1 Introduction.....	8
About our role and this report.....	8
About the elections.....	8
2 Was the Northern Ireland Assembly election well-run? The voter experience .....	12
Experience of registering to vote.....	12
Voting in the elections .....	14
Knowledge and awareness about the election .....	15
People’s experience of voting .....	15
Completing the ballot paper .....	15
Confidence that the elections were well-run.....	17
Electoral integrity.....	17
3 The administration of the poll.....	19
4 Candidates and campaigners .....	25
5 Public awareness.....	32
6 Looking ahead .....	34
Appendix A: Research methodology.....	37
Appendix B: Timings for the completion of verification and first stage .....	38

# Foreword

On Thursday 5 May 2016 voters in Northern Ireland took part in the fifth Northern Ireland Assembly election. This report is our account of the administration of the election.

I am pleased to say that the Commission's overall assessment of the election was that it was well-run with few problems. Both voters and those standing in the election reported high levels of satisfaction and confidence in how the election was run.

At previous elections, most notably in 2014 and 2011, there was criticism of the management of the count and in particular around the time taken to complete it. Since then the Chief Electoral Officer for Northern Ireland has undertaken a number of initiatives to improve the count process, such as recruiting and training new count staff, improving communications, better planning and training, using new count venues and making better use of social media. All of these have been welcome and positive developments.

In the autumn of 2015 we worked closely with the Chief Electoral Officer to examine how the efficiency and transparency of counts in Northern Ireland could be improved by running a trial count event. Following this the Chief Electoral Officer made a number of changes to the management and set-up of the count, particularly around the verification and counting of first preference votes. The changes significantly sped up these stages of the count in all constituencies with many first stage results announced around lunchtime on the first day of the count.

We would like to acknowledge the hard work undertaken by the Chief Electoral Officer and his staff to deliver these positive changes. We would also encourage him to build on this work by continuing to examine what can be done to further improve the latter stages of the count process.

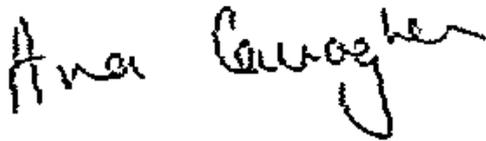
Looking forward, there is much to be done to further improve public confidence in the electoral and democratic process in Northern Ireland. There continues to be a public appetite for more information on how political parties here are funded. As such we are again calling on the UK Government to introduce the necessary legislation that will allow the Commission to publish information on donations received by political parties. We have also made a number of recommendations around candidate campaigning which should help to improve transparency and confidence amongst the public.

We welcome the upcoming introduction of online electoral registration in Northern Ireland. Its success in Great Britain has been clear since it was introduced there in 2014 and we are pleased that voters in Northern Ireland will soon be able to avail of this service. Against this backdrop the Chief Electoral Officer has confirmed that he is considering a range of options to reform the Electoral Office for Northern Ireland. We are aware that this has caused concern for political parties, candidates, the public and Electoral Office staff. The introduction of online registration and a move away from a paper based system does provide a timely opportunity to review how the organisation operates and we are happy to provide any support and guidance we can. As part of

this we are also calling on the Secretary of State for Northern Ireland to extend the performance standards framework to Northern Ireland. This will bring the Chief Electoral Officer into line with other Registration Officers and Returning Officers in Great Britain and allow for appropriate benchmarking in the delivery of electoral services here.

We continue to support the Law Commission's review of electoral law which would simplify and improve electoral law across the UK. Current electoral law has grown so complex and fragmented, and in many instances out of date, that it hampers the effective and efficient delivery of elections. Updated legislation will enable elections to be run much more efficiently and cost effectively than at present.

Finally, on behalf of the Commission, I would like to thank all those who ensured that these elections in Northern Ireland were well run. This includes the Chief Electoral Officer, the Electoral Office for Northern Ireland and the thousands of temporary staff employed at polling stations and count venues, political parties, candidates and voters.

A handwritten signature in black ink, reading "Anna Carragher". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Anna Carragher  
Electoral Commissioner for Northern Ireland

# Executive summary

## About the election

On 5 May 2016 there were a number of different polls held across the UK. This report looks specifically at the administration of the Northern Ireland Assembly election.

Our overall assessment is that the May 2016 Northern Ireland Assembly election was well run. People were satisfied with the process of registering to vote and with the process of voting, whether they cast their vote in person at a polling station or by post. The count was conducted efficiently, with significant improvements in the planning compared to previous elections.

## Registration and turnout

A total of **1,281,595 people were registered to vote** in the Northern Ireland Assembly election on 5 May 2016.

Overall turnout at the election was 54.9%, ranging from 64.6% in Fermanagh and South Tyrone to 49.6% in North Down.

By comparison, turnout at the May 2011 Northern Ireland Assembly election was 55.7%. Turnout at the 2015 UK Parliamentary election in Northern Ireland was 58.5% and at the 2014 European Parliamentary election was 51.8%.

A total of 703,744 ballot papers were cast, of which 14,126 were postal votes (2% of votes cast). Unlike the rest of the UK, where postal voting is available 'on demand', voters in Northern Ireland are required to provide a valid reason as to why they cannot attend their polling station on polling day.

## The voter experience

Our public opinion research suggests that most voters believed the election was well-run and were satisfied with the process of registering to vote and voting. 88% of respondents were satisfied with the procedure for registering to vote and 91% expressed satisfaction with the voting process.

## The administration of the poll

Overall the Northern Ireland Assembly election was administered professionally and efficiently. The Chief Electoral Officer made significant improvements to the delivery of the count following concerns over the time taken to complete previous election counts in 2011 and 2014. Changes to the set-up of the count venues, to the management of the verification stage, and to the primary sort of ballot papers all contributed to a quicker and more efficient count.

A new test of count staff and performance monitoring has ensured that more effective

count staff are now in place at each count venue. Preparations for the count, including training of staff, was done thoroughly and resulted in a smooth, well-run process. Overall communications were very good with regular announcements provided to candidates, agents and the media. Each count venue had a dedicated information point and media liaison officer who provided handouts of the result of each stage of the count to those present. Effective use was also made of Twitter and EONI's website to provide real time results to the public. All of these are welcome developments which have done much to improve confidence and transparency in the count.

## Campaigning

Our post-election survey of candidates suggests that the majority of candidates were satisfied with the administration of the elections and agreed that the rules on spending and donations were clear.

We identified a number of accredited observers and applicants to be observers who potentially had political party affiliations, and upon further investigation we withdrew accreditation from 12 observers before the election. Unfortunately, at some count venues, we were made aware that a number of other accredited observers were clearly showing support for political parties and their candidates.

The Commission is very concerned and disappointed that the observer scheme was abused at the Northern Ireland Assembly election. Accredited electoral observers who show support or bias for a political party or a candidate at a count seriously undermine the credibility and confidence of the electoral observation programme. In light of this we now intend to conduct a full review of how we accredit electoral observers in the UK, with any revisions to the process to be in place before the next scheduled elections in Northern Ireland in 2019.

# Recommendations

## Online electoral registration

### **Recommendation 1: Online electoral registration**

Both the Chief Electoral Officer and the Northern Ireland Office are committed to extending online electoral registration in Northern Ireland. The Chief Electoral Officer has put the necessary technical requirements in place within the Electoral Office to ensure the launch of the online digital portal for electoral registration in Northern Ireland.

The Northern Ireland Office have also drafted legislation that will amend the law to allow for online registration in Northern Ireland and this should make its way through the UK Parliament during the autumn.

The introduction of online registration in England, Scotland and Wales has been very successful and there were high levels of applications made online in advance of the elections in 2015 and 2016. We are therefore pleased that online registration will now be extended to Northern Ireland.

For our part we will work with the Chief Electoral Officer to promote the online registration portal to the public in Northern Ireland and encourage people to use it to register to vote and/or to update their details on the electoral register. To assist in planning for this it would be helpful if the Northern Ireland Office announced a date for the introduction of online registration in Northern Ireland to assist in planning for such activity.

## Further improving the STV count

### **Recommendation 2: The Chief Electoral Officer should explore further the potential for further efficiencies in STV counts, including the use of the full mini count model**

Given that the next scheduled elections to use STV in Northern Ireland are not until 2019, there is sufficient time to build on the successful work undertaken so far. The Chief Electoral Officer, working with his senior staff, should conduct a further review of the count process and test the potential benefits the mini-count model could bring to STV election counts in Northern Ireland.

## Review of the electoral observer scheme

### **Recommendation 3: The Commission will conduct a review of the electoral observer scheme**

The Commission's observer scheme has been running now for almost ten years. At the Northern Ireland Assembly we found some evidence that the scheme was being

abused. In light of this we will now conduct a full review of how it operates across the UK.

Any revisions to the process will be in place before the next scheduled elections in Northern Ireland in 2019.

## Registration of party names and descriptions for use on ballot papers

### **Recommendation 4: Registration of party names and descriptions for use on ballot papers**

We continue to recommend that where a candidate represents a political party on a ballot paper, it should be clear to voters which party the candidate represents. The legal provisions for registration of party descriptions present risks of confusion for voters and restrict the participation of political parties. The UK Government should work with the Electoral Commission to reform the provisions on party descriptions.

## Transparency and accessibility of candidate spending

### **Recommendation 5: Transparency and accessibility of candidate spending**

To improve transparency and accessibility of candidate spending returns, we have previously recommended that Returning Officers across the UK should be required to publish spending returns online as well as through the existing methods of public inspection. We support the recommendation in the Law Commissions' review of Electoral Law which proposes a method for implementing this change through legislation

## Imprints

### **Recommendation 6: Section 143 of PPERA should be extended to Northern Ireland**

In the interests of transparency and to ensure consistency in the use of imprints on campaign literature across the UK, the UK Government should seek to apply Section 143 of the Political Parties, Elections and Referendum Act 2000 to Northern Ireland before the next set of scheduled elections in 2019.

## Extending investigative and sanctioning powers

### **Recommendation 7: Extending investigative and sanctioning powers**

We continue to recommend extending our investigative and sanctioning powers at major elections for offences relating to candidate spending and donations, including at Northern Ireland Assembly elections. It will be important for Governments and Parliaments across the UK to work together on introducing the Commission's new powers for different sets of elections.

## Reporting use of social media

### **Recommendation 8: Reporting use of social media at future elections**

We will give further consideration to how campaigners should report spend on social media at future elections. As spend in this area grows, there is the potential for less transparency if expenditure on social media is not easily identifiable within the spending returns, because social media is not a specific reporting category. This will need to be considered as part of reviewing all of the expenditure reporting categories to ensure that they remain proportionate and relevant to future trends in campaigning. In case any of these changes would need to be implemented through legislation, we recommend that the UK Government and Parliament should consider the timing needed for implementing changes before the next major elections.

## Performance standards

### **Recommendation 9: Extend the performance standards framework in Northern Ireland**

In light of the introduction of online registration the Secretary of State for Northern Ireland should introduce an Order to extend the performance standards framework to Northern Ireland.

## Donations and loans

### **Recommendation 10: The UK Government should introduce secondary legislation to allow for the publication of partial information on donations and loans to political parties and regulated donees in Northern Ireland**

The UK Government, through the NIO, should publish a timetable to ensure that the necessary secondary legislation is put in place to allow the Commission to publish partial information on donations and loans received by political parties. This should be done as soon as possible. The Commission will continue to be available to assist NIO to ensure the legislation is appropriate.

# 1 Introduction

## About our role and this report

### Our role

1.1 The Electoral Commission is an independent body which reports directly to the UK Parliament. We regulate political party and election finance and set standards for well-run elections. We put voters first by working to support a healthy democracy, where elections and referendums are based on our principles of trust, participation, and no undue influence.

- **Trust:** people should be able to trust the way our elections and our political finance system work
- **Participation:** it should be straightforward for people to participate in our elections and our political finance system, whether voting or campaigning; and people should be confident that their vote counts
- **No undue influence:** there should be no undue influence in the way our elections and our political finance system work

1.2 We want people across the UK to be confident that electoral registration and electoral events are well-run, and that they will receive a consistently high quality service, wherever they live and whichever elections or referendums are being held.

1.3 It should be easy for people who want to stand for election to find out how to get involved, what the rules are, and what they have to do to comply with these rules. We work closely with the Chief Electoral Officer for Northern Ireland to ensure there is comprehensive guidance for anyone who wants to stand as a candidate or be an agent. We also register parties and non-party campaigners and provide comprehensive guidance for political parties and non-party campaigners, including practical advice and assistance.

### This report

1.4 This report provides our assessment of how well the Northern Ireland Assembly election held on 5 May 2016 was run.

1.5 Our analysis reflects the experience of voters, based on our public opinion research and electoral data provided by the Electoral Office for Northern Ireland, as well as feedback and views about the administration of the election from candidates and agents, those responsible for delivering the poll, and other participants.

## About the elections

1.6 On 5 May 2016, the following elections were also held:

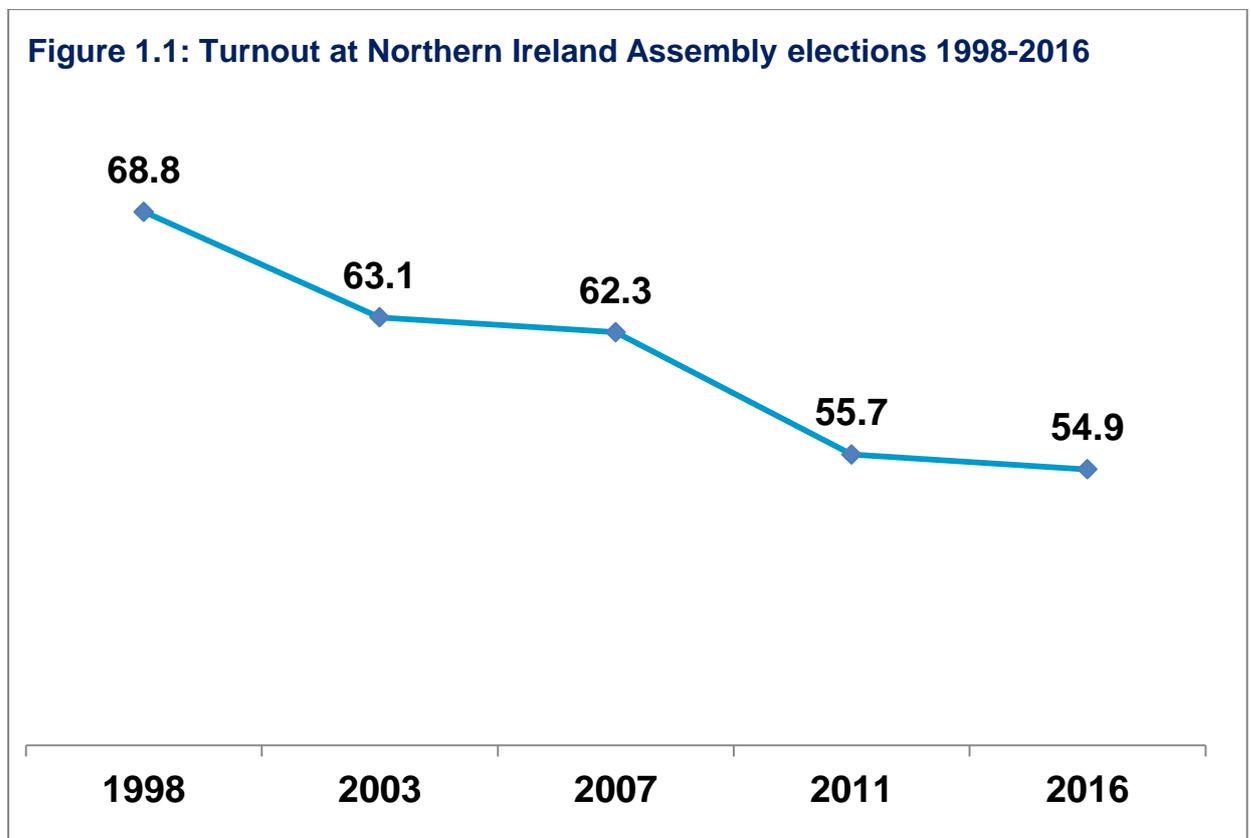
- Scottish Parliament
- National Assembly for Wales
- Police and Crime Commissioner (England and Wales) – excluding London and Greater Manchester.

- London Assembly and Mayor of London
- Local government across parts of England and Mayoral elections in Bristol, Liverpool and Salford
- UK parliamentary elections in Ogmore, Wales and Hillsborough and Brightside, England.

1.7 Our reports on the other elections taking place on the same day can be found on [our web-site](#).

### Registration and turnout

1.8 A total of **1,281,595** people were registered to vote in the Northern Ireland Assembly election on 5 May 2016.<sup>1</sup> **703,744** votes were included in the count, representing an overall turnout of 54.9%.<sup>2</sup> This continues the trend of declining turnout at Assembly elections since the first one held in 1998.



<sup>1</sup> To vote in a Northern Ireland Assembly election a person must be registered to vote and also be one of the following: a British, Irish, qualifying Commonwealth or EU citizen living in the UK.

<sup>2</sup> Turnout figure includes valid votes and those rejected at the count.

## Roles and responsibilities for managing and delivering the Northern Ireland Assembly election

1.9 In Northern Ireland all electoral matters are the responsibility of the UK Parliament, and are not devolved to the Northern Ireland Assembly. The Secretary of State for Northern Ireland is responsible for all electoral law and policy, and for maintaining the legal framework necessary for all elections in Northern Ireland.

1.10 The Commission has consistently been clear that the legislative framework for all elections in the UK should be in place no later than six months before polling day. This ensures that appropriate planning can be done by those administering and campaigning in the election. Unlike all of the other elections taking place on 5 May 2016, all of the necessary legislation was in place within this timeframe to ensure the delivery of the Assembly election.

1.11 We continue to support the Law Commissions' review of electoral law which would simplify and improve electoral law in the UK. Current electoral law has grown so complex and fragmented, and in many places out of date, that it hampers the effective and efficient delivery of elections. Updated legislation will enable elections to be run much more efficiently and cost-effectively than at present. It will also ensure that the law is fit for purpose and more accessible to those who need to use it, including candidates and voters.

1.12 The Law Commissions' review requires the approval of the UK and Scottish Governments before they can move onto the next and final stage of the project, which will consist of drafting new electoral legislation. We continue to urge the UK and Scottish Governments to support the work of the Law Commissions to enable the project to move on to the next stage.

### **The Chief Electoral Officer for Northern Ireland**

1.13 The Chief Electoral Officer for Northern Ireland is the registration officer and returning officer for all elections in Northern Ireland. He is supported in this role by the Electoral Office for Northern Ireland, through its Head Office in Belfast and six Area Electoral Offices. The Chief Electoral Officer appointed nine Deputy Returning Officers to manage two constituencies each at the Assembly election.

1.14 To assist in the successful delivery of the election the Chief Electoral Officer established a Strategic Election Planning Group to oversee the management of the election. The group consisted of senior staff from the Electoral Office and representatives from the Northern Ireland Office and the Electoral Commission. The group monitored and reviewed progress made on all aspects of the election planning. In addition to this the Chief Electoral Officer met regularly with Area Electoral Officers to ensure a consistent approach was taken to the delivery of the election at a local level.

### **Police Service of Northern Ireland**

1.15 The policing of the polls on 5 May was a continuation of a strategy first adopted at the 2003 Northern Ireland Assembly election when roving police patrols replaced a permanent police presence at all polling stations. As at previous elections a PSNI liaison officer was appointed to act a single point of contact with the Chief Electoral

Officer. There was also regular liaison between Area Electoral Officers and the PSNI at a local level to ensure appropriate security arrangements were put in place for polling day and the count.

### **Royal Mail**

1.16 Royal Mail played a key role in the election including the delivery of poll cards, postal votes and election communications in the lead-up to polling day. In total they delivered over 1.2 million poll cards and over 8.3 million items of candidate literature, an increase from 5.1 million at the 2011 Northern Ireland Assembly election.

## 2 Was the Northern Ireland Assembly election well-run? The voter experience

2.1 This chapter sets out the key findings from our public opinion research, which provides an important part of our assessment as to whether the elections were well-run. It examines people's experience of registering to vote, participation at the polls, including why people did not vote, and whether people felt that they had received enough information about the elections and candidates to be able to make an informed choice.

2.2 The evidence from our public opinion research suggests that most voters had a positive view of the electoral process and most were confident that the election was well-run.

### Experience of registering to vote

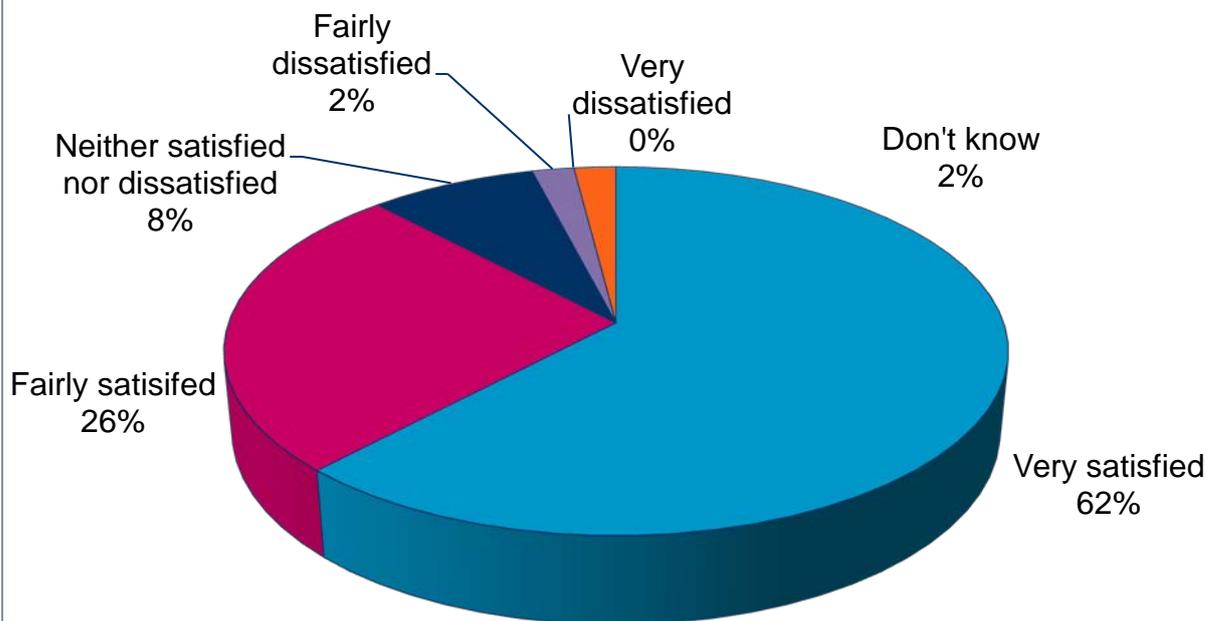
2.3 Unlike the rest of the UK, the option of online electoral registration is not available in Northern Ireland. Rather an individual must complete and return an electoral registration form to their local Area Electoral Office. In our report on the 2015 UK Parliamentary General Election we recommended to the UK Government that online registration should be extended to Northern Ireland as soon as possible. Following this the Northern Ireland Office and the Chief Electoral Officer confirmed that online registration would be extended to Northern Ireland but that it would not be in place in time for the Northern Ireland Assembly election.

2.4 Nevertheless, people in Northern Ireland were satisfied with the process for registering to vote ahead of the Assembly election. As outlined in Figure 2.1, 88% of respondents to our post-election survey expressed satisfaction with the procedure for registering to vote. This is an improvement since 2011 when overall 77% of respondents were satisfied.

2.5 A further analysis of these figures shows that satisfaction with the registration process tended to be higher amongst older age groups with those aged 35-54 and 55+ more satisfied (89% and 90% respectively) than those aged 18-24 (79%).

2.6 However our research also found that 41% of those surveyed thought that you could already register to vote online in Northern Ireland and almost one in five (17%) thought you could register until the day before the election. Perhaps unsurprisingly younger people were more likely to think you could register to vote online with 55% of 18-24 year olds thinking this was the case. Nearly a third of people from the same age category (32%) also thought you could register until the day before an election.

**Figure 2.1: How satisfied are you with the process for registering to vote?**



**May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission.**

Base: 707 (unweighted).

**Q:** How satisfied or dissatisfied are you with the procedure for getting your name on the electoral register?

2.7 The most common reason given for not registering to vote related to a lack of interest in politics and elections with 34% of those respondents who weren't registering telling us they were "not bothered" and 24% who believed that "politics makes no difference".

### **Recommendation 1: Online registration**

Both the Chief Electoral Officer and the Northern Ireland Office are committed to extending online electoral registration in Northern Ireland. The Chief Electoral Officer has put the necessary technical requirements in place within the Electoral Office to ensure the launch of the online digital portal for electoral registration in Northern Ireland.

The Northern Ireland Office have also drafted legislation that will amend the law to allow for online registration in Northern Ireland and this should make its way through the UK Parliament during the autumn.

The introduction of online registration in England, Scotland and Wales has been very successful and there were high levels of applications made online in advance of the elections in 2015 and 2016. We are therefore pleased that online registration will now be extended to Northern Ireland.

For our part we will work with the Chief Electoral Officer to promote the online registration portal to the public in Northern Ireland and encourage people to use it to

register to vote and/or to update their details on the electoral register. To assist in planning for this it would be helpful if the Northern Ireland Office announced a date for the introduction of online registration in Northern Ireland to assist in planning for such activity.

## Voting in the elections

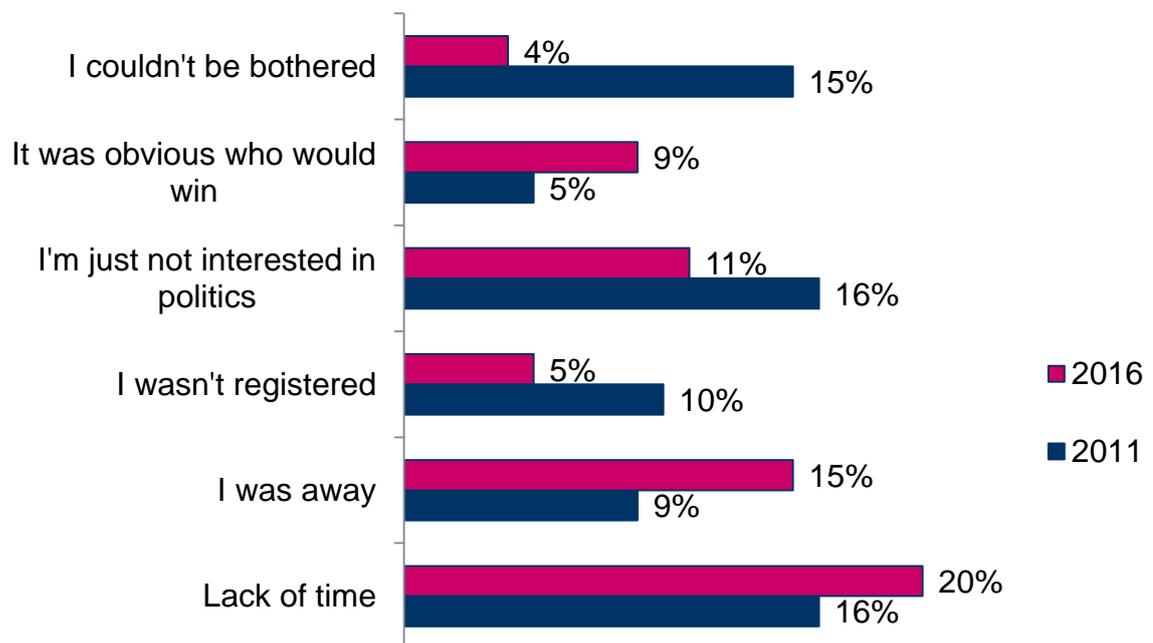
### Why did people vote?

2.8 As was the case at the 2011 Northern Ireland Assembly election the most common reason for voting at the May 2016 election related to views that 'it was important to vote' (43%). 13% of respondents gave their reason for voting as explicitly to support a particular party or candidate.

### Why did people not vote?

2.9 Our survey also sought to find the views of those who did not vote. Many of those who didn't vote gave circumstantial reasons for not making to the polling station, such as not having the time or being away from home. Other reasons given for not voting tended to do with a lack of engagement as 11% expressed a lack of interest and 9% saying it was obvious who would win.

**Figure 2.2: Why did people not vote at the Northern Ireland Assembly election?**



**May 2016 election - Post-elections opinion survey**

**Source: BMG/The Electoral Commission.**

Base: 124 (unweighted).

**Q:** People had different reasons for not voting in the elections. Why did you not vote in the elections on the 5th May?

## Knowledge and awareness about the election

### **Did people feel informed about the elections?**

2.10 Our public opinion research asked people how much they felt they knew about the election on 5 May 2016. Overall 83% of respondents in Northern Ireland said they knew a great deal or fair amount about the election. Close to nine in ten people (89%) felt they had enough information on how to cast their vote, which is an increase from 80% at the 2011 Assembly election.

### **Access to information**

2.11 Nine in ten respondents to our survey (89%) also said it was easy to access information on how to cast their vote and a similar number (84%) said they had enough information on the candidates standing at the election.

## People's experience of voting

2.12 Voters continue to remain very positive about their experience of voting, whether in person at a polling station or by post. Nearly all (98%) of those respondents who voted in person at a polling station reported that they were very or fairly satisfied with the voting process with 72% being 'very satisfied'.

2.13 The majority of polling station voters (79%) found the support provided by polling station staff useful, only 1% said it was not useful and 21% said they didn't need any help or assistance. 77% found the written instructions on how to vote useful (i.e. poster in the polling booth or guidance on the ballot paper).

2.14 Nearly all respondents who voted by post (94%) reported that they were satisfied with voting in this way. 51% thought that voting by post was convenient and 25% said they thought it was very convenient.

## Completing the ballot paper

2.15 A total of 276 candidates contested the Northern Ireland Assembly election. This was a 27% increase from 2011 when 218 candidates stood. In 2007 there were 257 candidates. The largest number of candidates in a constituency was 18 (in Belfast East, Belfast North, Belfast South and West Tyrone) while the smallest number of candidates was 12 (in Belfast West, Mid-Ulster and South Down).

2.16 Prior to polling day some senior Electoral Office staff and a number of candidates expressed concern that the long ballot papers could cause confusion to voters, particularly given that it was a Single Transferable Vote election. On polling day itself a number of Presiding Officers did feedback to Commission representatives that some voters had struggled to complete the long ballot paper in the space provided in the polling booth, and that on occasion it was possible to inadvertently see how an elector had voted. The Chief Electoral Officer may want to consider the design of polling booths should longer ballot papers become a regular feature of future Assembly elections in Northern Ireland.

2.17 However 95% of respondents to our survey said it was easy to fill in the ballot paper with 72% saying it was 'very easy'. Only 3% said they found it difficult. There

were no reports on polling day of voters complaining about the length of the ballot paper.

2.18 The Parliamentary Elections (Forms) (Northern Ireland) Regulations 2015 made a number of changes to make electoral forms such as ballot papers, poll cards and polling station notices more accessible and user-friendly to voters. This was the first election that the new ballot paper was used for a Northern Ireland Assembly election and this may have had a positive impact on the voter experience. In autumn 2014 the Commission conducted user-testing of the ballot paper and other electoral forms which helped in the design of the new ballot paper. It included instructions on how to complete the ballot paper, making it clear that voters must vote using numbers in order of preference rather than making any other mark on the ballot paper.

## Rejected ballot papers

2.19 Before being counted, ballot papers go through a sorting process. There will be 'valid' ballot papers, which are those the voter has marked exactly following - or closely following - the instructions. These will be included in the count and allocated to the relevant candidate. Then there will be those ballot papers on which the voter has not followed the instructions for marking it. Those ballot papers are called 'doubtful ballot papers' and are given to the Deputy Returning Officer for adjudication.

2.20 Those ballot papers that are not adjudicated as 'valid' are rejected by the Deputy Returning Officer. The reasons and categories for rejected ballots are shown in the table below.

**Table 1.: Reasons for rejection of ballot papers at the Northern Ireland Assembly election 2016**

Reason for rejection of ballot paper	Total	Percentage
No official mark	0	0
No first preference vote	4,358	46.2
First preference for more than once candidate	2,464	26.1
Writing identifying voter	27	0.3
Unmarked or void for uncertainty	2,576	27.3
<b>Total</b>	9,425	
As a % of all ballots	1.3	

2.21 A total of 9,425 ballot papers were rejected at the count, representing 1.3% of all votes cast. This was a decrease compared to the 2011 Assembly election when

12,369 ballot papers were rejected (representing 1.8% of votes cast). It should however be noted that the 2011 Assembly election was combined with local council elections and the referendum on the voting system used at UK Parliamentary General elections, and that combined elections usually have more rejected ballot papers.

2.22 However at the last stand-alone Assembly election in March 2007 the total number of rejected ballot papers was 6,225, representing 0.9% of all votes cast. The proportion of rejected ballot papers in 2016 was therefore significantly higher than at the last comparable Assembly election.

## Confidence that the elections were well-run

2.23 The majority of voters at the Northern Ireland Assembly election were satisfied that the elections were well-run. 93% of respondents to our survey said they were confident that the election was well run with 45% 'very confident'. This was a significant improvement on the 2011 Assembly election when 80% of respondents said they were confident.

## Electoral integrity

2.24 No allegations of electoral fraud were made to the PSNI or the Chief Electoral Officer in the run-up to polling day or thereafter. However the Chief Electoral Officer did pass on 11 absent vote application forms, in which the signature did not match that provided at the time of registration, to the PSNI for further investigation.

2.25 In spite of no allegations of electoral fraud being made, there is still a significant perception that some form of fraud took place at the election. Over a third of respondents to our public opinion research thought that fraud took place at the election (34%) with 4% saying there was a lot. This largely replicates findings at the 2015 UK Parliamentary general election when 39% of respondents in Northern Ireland thought fraud took place, of which 5% thought there was a lot.

2.26 Those respondents who said that they thought electoral fraud had taken place on 5 May were asked which, out of a list of options, described why they thought this<sup>3</sup>. The main reasons why people thought that fraud had taken place included:

- identify fraud is on the increase (56%)
- postal voting is not secure (51%)
- a general impression that fraud was a problem (48%)
- seen stories in the media about electoral fraud (30%)

2.27 However 88% of respondents see voting in general as being safe. Voting at polling stations is perceived to be safer than postal voting (96% believe voting at a polling station is free from fraud and abuse compared with 53% who say the same about postal voting). These figures show a notable increase when compared to 2011

---

<sup>3</sup> Respondents were able to select more than one answer

when 87% felt voting at the polling station was safe and 48% felt postal voting was safe.

2.28 In a separate survey, candidates and agents were asked how much electoral fraud they thought took place. 15% of candidates said that a little took place while 92% said that voting was safe (57% saying it was very safe).

## 3 The administration of the poll

3.1 Political instability in Northern Ireland during 2015 resulted in some expectation that the Assembly election would be earlier than the planned date of May 2016. However the 'Fresh Start Agreement' in November 2015 meant that planning for the election could take place in a less uncertain environment. There were no major issues, with regards to security or planning, that disrupted the preparations for the poll and the count.

### Preparing for polling day

3.2 No major issues arose in the preparations for polling day. The nomination of candidates, staff training and the preparation of polling station materials all ran smoothly.

3.3 A total of 17,573 postal ballot papers were issued by the Electoral Office. 85% of these ballot papers (14,897) were returned before the close of poll, of which 771 were rejected and therefore not included in the poll. A total of 1,821 applications for a postal or proxy vote were rejected before the deadline of 5pm on Thursday 14 April. Over a fifth of applications were rejected because they arrived after the deadline. Other common reasons for rejecting an application related to the signature not matching with that provided at the time of registration (373) and the National Insurance Number missing or not matching that provided at the time of registration (270).

### Polling day

3.4 619 polling places were used on polling day with a total of 1,380 polling stations used. Approximately 3,300 casual staff were employed to work on polling day.

3.5 No major issues were reported on polling day although there were some minor isolated issues relating to the placement of flags and posters and the behaviour of some canvassers outside some polling places.

### The count

3.6 The count was held at eight venues across Northern Ireland, with verification of the used ballot papers beginning at 8am on Friday 6 May. As part of his planning for the count the Chief Electoral Officer consulted with the main political parties on his proposed locations. Two constituencies were counted at seven of the venues, and the four Belfast constituencies were counted at the Titanic Exhibition Centre.

3.7 The single transferable vote (STV) is used at all elections in Northern Ireland, with the exception of UK Parliamentary elections which use the first past the post system. Elections to the Northern Ireland Assembly, local councils and the European Parliament use STV, under which an elector votes for candidates in order of preference, placing a '1' beside their first choice candidate, a '2' beside their second

choice candidate and so on. A voter can vote for as few or as many candidates as they wish.

3.8 Historically election counts for the Northern Ireland Assembly and local councils have taken up to two days to complete. There was significant criticism from candidates and the media at the time taken to complete the verification and first stage of the count at the 2011 Northern Ireland Assembly election. This criticism was repeated at the 2014 European Parliamentary election when it took almost nine hours to complete the first stage, and the whole count was not completed until the evening of the second day.

3.9 In our statutory election reports on the 2011 Northern Ireland Assembly election and the 2014 European Parliamentary election, we identified a number of planning and management issues that contributed to the delays that took place during the counting of votes. These included issues such as the lack of an overall management plan, poor communications and contingency planning, the quality of some staff working at the count and poor management of the count on the day.

3.10 In autumn 2015 we undertook a project, working closely with the Chief Electoral Officer for Northern Ireland, to look at how counts at elections using the single transferable vote in Northern Ireland could be made more transparent and efficient. As part of the project we ran two workshops and a trial count event to analyse the current count model and consider alternatives for improving the count process.

3.11 Following the project we are made a [number of recommendations](#) to the Chief Electoral Officer which we believed had the potential to improve the efficiency and transparency of the count and could provide cost savings. In response to this project, the Chief Electoral Officer made some changes to his plans for the Assembly count, which in our view made a significant contribution to the verification and first stage of the count being completed more quickly for all constituencies.

### **The verification and primary sort of ballot papers**

3.12 The key difference to the management of the count at this election was the set-up of the verification and management of the primary sort. After the close of poll, ballot boxes were delivered to their relevant count venue and checked in by count staff. The sealed ballot boxes were then allocated to tables for verification to begin the following morning at 8:00am (the count venue and hall remained secure overnight). The verification of unused ballot papers took place overnight and this was completed successfully. At the 2011 Assembly election poor management of this process meant that the unused ballot papers were not verified until late morning in some counts venues thus delaying the count.

3.13 At previous elections the verification of ballot papers was completed by teams of two or three count staff. As part of our project to improve STV counts a number of different methods were trialled using tables of two, three and four staff. Following this the Chief Electoral Officer decided to use teams of four staff at this election who verified up to five or six ballot boxes each at a much larger table. Before the count there was some concern from candidates, political parties, agents and some Deputy Returning Officers that the different table set-up might make it was more difficult to view proceedings at the count tables, and that this could impact on those taking tallies. However this proved not to be the case and the verification process remained fully visible and transparent. The verification of ballot papers at each count venue was

completed by 1:00pm or earlier. A breakdown of the time taken to complete the verification of used ballot papers and the counting of first preference votes is included in Appendix B.

3.14 The other key change to the count was made to the primary sort. At previous elections the primary sort (when ballot papers are sorted into first preference votes for each candidate) only started once the verification of all ballot papers for a constituency was completed. This meant that a large number of count staff would be idle while they waited for the last few ballot boxes to be verified.

3.15 The law states that ballot papers cannot be counted until the verification is completed. However, it is possible to begin the primary sort while the verification is ongoing, so at this election the sorting of ballot papers ran concurrently to the verification. As soon as a number of ballot boxes were verified, the primary sort began. This contributed significantly to speeding up the first stage of the count.

### **The counting of ballot papers**

3.16 Given the changes to the verification and primary sort the first stage of the count moved rapidly on following the completion of verification. Shortly after 1:00pm on Friday the first stage results were announced in a number of constituencies and a number of candidates were deemed elected throughout the afternoon. In light of this the BBC decided to begin its election coverage in Northern Ireland earlier than planned. This is a significantly positive development compared to 2011 when the first candidate deemed to be elected was not announced until 7:00pm, some 11 hours after the first ballot boxes were opened

3.17 As the count moved into the latter stages of exclusions and transfers, the time taken to complete each stage varied. The first declaration of the result was in North Down at 9:15pm. Eleven of the 18 constituencies completed counting either late on Friday night or in the early hours of Saturday morning. At previous elections only one or two constituencies have been completed on the first day. Of the seven remaining constituencies where counting was suspended overnight, six had their count completed by Saturday lunchtime. Upper Bann was the last constituency to declare at 4:40pm on Saturday afternoon. At the 2011 Assembly election the final result was declared in Strangford at 9:30pm on Saturday evening.

### **The Commission's view**

3.18 It is clear that the changes made by the Chief Electoral Officer to the management of the count made significant improvements to the speed and efficiency of the count. Some concerns were expressed by some EONI staff, candidates and agents about whether these changes would have any meaningful impact. The successful management of these changes by the Chief Electoral Officer ensured that no major issues or delays arose at the count. We are particularly pleased to note that the Chief Electoral Officer also implemented a number of previous recommendations in relation to staff training and improving communications. A new test of count staff and performance monitoring has ensured that more effective count staff are now in place at each count venue. Preparations for the count, including training of staff, were done thoroughly and resulted in a smooth, well-run process. Overall communications were very good with regular announcements provided to candidates, agents and the media. Each count venue had a dedicated information point and media liaison officer who provided handouts of the result of each stage of the count to those present. Effective

use was also made of Twitter and EONI's website to provide real time results to the public. The Chief Electoral Officer also made use of a number of new venues, such as the Titanic Exhibition Centre in Belfast, which made a positive contribution to the efficiency of the count. All of these are welcome developments which have done much to improve confidence and transparency in the count.

3.19 Feedback from candidates on the count was very positive. 91% of respondents to our candidate survey reported overall satisfaction and 84% agreed that the count was transparent. Two-thirds of candidates (65%) felt that the changes to the management of the count had improved the efficiency of the count, with only 5% disagreeing.

### **Future use of the mini-count model**

3.20 One of the key recommendations we made to the Chief Electoral Officer, as part of our count project, was that the mini-count model should be introduced for single transferable vote counts in Northern Ireland. A mini-count simply means breaking down the verification and count into 'areas' smaller than the whole constituency (in the case of a Northern Ireland Assembly or UK Parliamentary election). The results from those 'areas' are then aggregated to achieve an overall result.

#### **How would a mini count work at a STV election in Northern Ireland?**

At a Northern Ireland Assembly election the ballot boxes from each constituency would be broken down into smaller 'areas' and then assigned to a table team at the count venue. A count supervisor would be responsible for managing up to two or three table teams. The count supervisor's role is to oversee the work of the teams and to act as the line of communication to the central calculator.

Each ballot box would be opened and verified. Verified ballot papers would be held near the team which opened that box. Count supervisors would then provide verification figures to a central calculator's table who would collate the figures to get the complete verification and turnout figures for the constituency.

Following the completion of the verification including agreement from the central calculator, the ballot papers at the table would be mixed and the primary sort would commence, followed by the count of each candidate's first preference votes. Count supervisors would then report back the first preference totals to the central calculator who would collate information from all of the teams to produce the quota and result of the first stage of the count.

The central calculator would then advise count supervisors of what to do at the second stage of the count (either to count the surplus of an elected candidate's votes or the next preference on an excluded candidate's ballot papers) and the value of the vote. Count supervisors would then instruct their tables to do this and return the result to the central calculator's table. This process would continue through each stage and sub-stage until the count was completed

3.21 Following some further internal exercises and discussion with his staff the Chief Electoral Officer decided not to fully implement the mini-count model at the 2016 Assembly election. The main reason for this was that he believed that significantly more planning work would be needed to test the mini-count model, and that a review of all resources and election materials would need to take place. However the Chief

Electoral Officer did take on some elements of the mini-count which as discussed above had a positive impact on improving the efficiency of the count.

3.22 While we understand the Chief Electoral Officer's decision to not fully implement the mini-count model at this year's Assembly election we do still believe that the model has potential to further improve the efficiency and transparency of STV elections in Northern Ireland, particularly in the latter stages of the count. Before any such change could be made there would need to be a full review all of the resources and materials used by the Electoral Office at counts with a view to developing a new audit trail for managing ballot papers at each stage of the count. It would also be necessary to review the staffing arrangements at the count and how this would need to change under a mini-count model. We would also expect that any move to a full mini-count would be thoroughly tested, ideally by running another trial count event. We are happy to continue working with the Chief Electoral Officer and his senior staff to take such a project forward.

3.23 To further assist him in this the Chief Electoral Officer should publish the full costs of the May 2016 count. This would allow him to identify any potential savings which could be made through adopting a mini-count model and enable the production of a costed business case for the mini-count model, with associated up-front costs being off-set by potential savings in time and money through future counts being completed more quickly.

**Recommendation 2: The Chief Electoral Officer should explore further the potential for further efficiencies in STV counts, including the use of the full mini count model**

Given that the next scheduled elections to use STV in Northern Ireland are not until 2019, there is sufficient time to build on the successful work undertaken so far. The Chief Electoral Officer, working with his senior staff, should conduct a further review of the count process and test the potential benefits the mini-count model could bring to STV election counts in Northern Ireland.

**Electoral observers**

3.24 Electoral observation is an essential element underpinning confidence in the electoral and democratic process. One of the Commission's roles is to authorise people and organisations to observe UK elections and relevant referendums. Organisations and individuals apply to the Electoral Commission to seek accreditation to become an electoral observer. Once accredited an electoral observer is entitled to attend the issuing and receipt of postal ballot papers, polling stations and the count.

3.25 Anyone seeking to become an accredited electoral observer is required to abide by the Commission's [Code of Practice for electoral observers](#) and must sign a declaration confirming they have read and understood the code.

3.26 The Code states that observers must maintain strict political impartiality at all times during the period of their accreditation, including during their leisure time. They must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates or referendum issues. Observers also must not conduct any activity that could be reasonably perceived as favouring or providing partisan gain for any political competitor in any part of the UK.

3.27 Prior to polling day we noticed an unusually high number of applications to become an electoral observer from individuals in Northern Ireland. Upon further investigation it became clear that some supporters of political parties and candidates were seeking to use the observer scheme to access count venues. Access to count venues is limited and candidates are only able to appoint a set number of counting agents to attend the count.

3.28 Once we became aware of this issue we reviewed all observer applications with an address in Northern Ireland. We identified a number of accredited observers and applicants with potential political party affiliations and upon further investigation we withdrew accreditation from 12 electoral observers before the election. Unfortunately, at some count venues, we were made aware that a number of further observers were clearly showing support for political parties and their candidates. In another case an observer whose accreditation had been revoked attended a count venue and aggressively demanded access. This caused a considerable distraction to the Deputy Returning Officer at a particularly busy time in the count process.

3.29 The Commission is very concerned and disappointed that the observer scheme was abused at the Northern Ireland Assembly election. Accredited electoral observers who show support or bias for a political party or a candidate at a count seriously undermine the credibility and confidence of the electoral observation programme.

3.30 We have already advised the main political parties in Northern Ireland of this issue and have made clear that it is unacceptable for any person with political affiliations to use the electoral observer scheme as an opportunity to gain access to the count. In light of this we now intend to conduct a full review of how we accredit electoral observers in the UK, with any revisions to the process to be in place before the next scheduled elections in Northern Ireland in 2019.

**Recommendation 3: The Commission will conduct a review of the electoral observer scheme**

The Commission's observer scheme has been running now for almost ten years. In light of this and the abuse of the scheme at the Northern Ireland Assembly election we will now conduct a full review of how it operates across the UK.

Any revisions to the process will be in place before the next scheduled elections in Northern Ireland in 2019.

## 4 Candidates and campaigners

4.1 A total of 276 candidates contested the 2016 Northern Ireland Assembly election, either representing one of 21 political parties or as one of 23 candidates who stood as an independent. This was an increase on 2011 when 218 candidates stood representing 14 political parties and 15 independents.

4.2 Overall feedback from candidates and their election agents was very positive. Most candidates who responded to our survey were satisfied with the overall administration of the election (94%). This was an increase from 74% at the 2011 Northern Ireland Assembly election<sup>4</sup>.

4.3 There was strong agreement that the nominations process was straightforward (96%) and candidates found both the Commission and the Electoral Office useful sources of advice and guidance during the campaign, with 91% and 92% agreeing respectively.

4.4 This was the first time that changes to the rules relating to non-party campaigning applied at the Northern Ireland Assembly election<sup>5</sup>. Non-party campaigners are individuals or organisations that campaign in the run-up to elections, but are not standing as political parties or candidates. Any non-party-campaigner who intended to spend over £10,000 during the regulated period for the Assembly election (5 January 2016 – 5 May 2016) was required to register with the Electoral Commission and would have a maximum spending limit of £15,300. No non-party campaigners based in Northern Ireland registered with the Commission during the regulated period.

4.5 The spending limit for non-party campaigners at the Northern Ireland Assembly elections in 2016 was £15,300 for a four month regulated period. The spending limit in Northern Ireland at the 2015 UK Parliamentary General Election (UKPGE) was £30,800 for a seven and a half month regulated period. We suggest that there could be greater consistency between the spending limits for non-party campaigners at elections held in Northern Ireland (and also in other parts of the UK). Any changes would have to be considered and made by the relevant Governments and legislatures.

### **Registration of political parties**

4.6 We maintain and publish the registers of political parties in Great Britain and Northern Ireland. A political party has to be registered with us in order to field candidates at an election. A party can register up to three emblems and up to 12 descriptions that can be used by party candidates on the ballot paper.

4.7 All candidates standing on behalf of a political party, are able to include one registered party emblem, and either the registered party name, or a registered party

---

<sup>4</sup> It should be noted that at the 2011 Northern Ireland Assembly election only 32 responses were made to our candidate and agent survey compared to 70 responses at the 2016 Northern Ireland Assembly election.

<sup>5</sup> The changes were introduced by the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014

description on the ballot paper. The candidates must get written permission from the party, and submit this to the Returning Officer.

4.8 When using a registered description on the ballot paper in place of the registered name of the political party, the party's identity may not be clear to all voters, as not all party descriptions include the name of the political party.

4.9 We have previously recommended that where a candidate represents a political party on an election ballot paper, it should be clear to voters which party the candidate represents. We continue to be concerned that the legal provisions for registration of party descriptions present risks of confusion for voters and restrict the participation of political parties<sup>6</sup>.

4.10 The legislation on registration of party names, descriptions and emblems is set out in Part 2 of the Political Parties, Elections and Referendums Act and is reserved. In contrast, the use of these party identity marks on ballot papers is determined by election orders. We believe that the legislation in this area needs to be reformed in a joined-up way.

#### **Recommendation 4: Registration of party names and descriptions for use on ballot papers**

We continue to recommend that where a candidate represents a political party on a ballot paper, it should be clear to voters which party the candidate represents. The legal provisions for registration of party descriptions present risks of confusion for voters and restrict the participation of political parties. The UK Government should work with the Electoral Commission to reform the provisions on party descriptions.

## Monitoring and compliance

4.11 Voters need to be confident that the law on party and election finance is followed, and that those who break the law are dealt with proportionately and effectively. This transparency enables high levels of scrutiny and debate about how political parties and non-party campaigners are funded and how they spend their money during elections. Political parties, candidates and non-party campaigners are expected to comply with all the rules and controls set out in the relevant legislation.

4.12 The Commission produced specific guidance for parties, candidates and non-party campaigners for the election, and we offered an advice service to answer questions that campaigners had about the rules. 57% of those candidates that responded to our survey had contacted the Commission for direct advice on spending and donations and found that advice clear and easy to understand.

4.13 We took a proactive approach in raising awareness about the rules, including sending the guidance to parties and non-party campaigners, delivering presentations

---

<sup>6</sup> Electoral Commission (2015) *The May 2015 UK elections: Report on the administration of the 7 May 2015 elections, including the UK Parliamentary general election*, recommendation 10 [http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0006/190959/UKPGE-report-May-2015-1.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/190959/UKPGE-report-May-2015-1.pdf)

at a number of pre-election seminars in spring 2016 across Northern Ireland, directing candidates and agents to our guidance through their nomination packs, and hosting two seminars for non-party campaigners who are based in Northern Ireland. This approach supports the Commission's aim of ensuring compliance of the rules through support and guidance.

4.14 As part of our risk-based approach to regulating party and election finance, we carried out desk-based monitoring of party and non-party campaigns at the Assembly election. The purpose of this work was to promote compliance by gathering information on campaigns which could be referred to when checking statutory returns. It also helped identify non-party campaigners who appear to be working together, or where supporting or campaigning against particular parties, or categories of candidates.

4.15 Under the Political Parties, Elections and Referendums Act 2000 (PPERA), the Commission regulates political parties and non-party campaigners at the Northern Ireland Assembly election. Whilst we have responsibilities to monitor and take all reasonable steps to ensure compliance with the rules on candidate expenses and donations under and pursuant to the Representation of People Act 1983, investigations into alleged breaches by individual candidates and related prosecutions under that legislation are the responsibility of respectively the police and public prosecutor bodies.

4.16 Where potential breaches or offences of PERA are identified, we consider whether to conduct an investigation. When appropriate, and in line with our Enforcement Policy<sup>7</sup>, we will sanction those who fail to comply with PERA.

4.17 In September 2016, we will publish details of what political parties spent where their spending was below £250,000. Those parties were required to submit returns to us three months after the election, by 5 August 2016. We will also publish details of spending by registered non-party campaigners in September 2016.

4.18 We will publish details of spending by political parties, who spent more than £250,000, in January 2017. Those parties are required to submit returns to us six months after the election, by 5 November 2016, accompanied by an independent audit of their spending return.

4.19 The Chief Electoral Officer is required to make candidate returns available for public inspection for two years and to forward copies of the returns and declarations to the Commission, alongside any other related documentation that we request. We have collected headline expenditure and donation information from these returns and will publish the summary data on our website in due course. We do this to ensure that there is increased transparency in how the election was financed and contested. We are also undertaking risk-based checks on donor permissibility and the accuracy of the returns submitted, concentrating our resources on where non-compliance would have the highest potential impact on confidence in the political process.

---

<sup>7</sup> Enforcement – allegations and casework <http://www.electoralcommission.org.uk/our-work/roles-and-responsibilities/our-role-as-regulator-of-political-party-finance/making-an-allegation>

4.20 While details of donations to candidates' campaigns are available for public inspection, we note again that information about donations to political parties in Northern Ireland is not published, unlike in Great Britain. We would repeats our call for greater transparency about funding for political parties in Northern Ireland. We address this issue further in chapter six.

4.21 Currently the Chief Electoral Officer only makes candidate returns available for public inspection in paper form, where anyone interested in inspecting a return can make an appointment to view it. With the growing use of the internet, we have previously recommended that candidates' election returns should also be made available for viewing online, and that the legislation should explicitly provide for this. Such a change would improve transparency locally and nationally by making information about spending and donations for election candidates more widely accessible.

**Recommendation 5: Transparency and accessibility of candidate spending**

To improve transparency and accessibility of candidate spending returns, we have previously recommended that Returning Officers across the UK should be required to publish spending returns online as well as through the existing methods of public inspection. We support recommendation 12-5 of the Law Commissions' review of Electoral Law which proposes a method for implementing this change through legislation<sup>8</sup>.

**Campaign issues, trends and developments**

4.22 During the run up to the Northern Ireland Assembly election we identified a number of compliance issues that will need to be considered in further detail ahead of future elections. The issues are outlined in the following section.

**Imprints**

4.23 An imprint is included on election literature to ensure transparency in the campaign of a political party or a candidate. The imprint should include the name and address of the publisher of the literature and the name and address of the promoter of the literature (usually the election agent).

4.24 The imprint requirement for a candidate standing at the Northern Ireland Assembly election is set out in the Representation of the People Act 1983 (as applied by the Northern Ireland Assembly (Elections) Order 2001 (as amended)). This places a legal requirement on the candidate and/or their agent to ensure that an imprint is included on their campaign materials. It is an offence if an imprint is not included.

4.25 Imprint requirements for political parties, non-party campaigners and for two or more candidates standing on behalf of the same party are set out in Section 143 of the

---

<sup>8</sup> Law Commissions' Review of Electoral Law, Recommendation 12-3, page 161 [http://www.lawcom.gov.uk/wp-content/uploads/2016/02/electoral\\_law\\_interim\\_report.pdf](http://www.lawcom.gov.uk/wp-content/uploads/2016/02/electoral_law_interim_report.pdf) and recommendation 37 of the Electoral Commission's Regulatory Review of Party and Election Finance 2013 [http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0008/157499/PEF-Regulatory-Review-2013.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0008/157499/PEF-Regulatory-Review-2013.pdf)

PPERA. However Section 143 has never been applied to Northern Ireland and as such there is no legal obligation for a political party, non-party campaigner<sup>9</sup> or in cases of two or more candidates standing on behalf of a party to include an imprint on their election materials.

4.26 This caused some confusion amongst candidates and political parties on what exactly their obligation was to include an imprint. Ultimately the purpose of an imprint is to provide transparency and allow people to see who is responsible for placing election materials into the public domain. Although the rules are clear where material produced for a single candidates our advice during the campaign period to all candidates, political parties and non-party campaigner was that, in the interests of transparency, they should include an imprint on their campaign materials. This was largely adhered to by all those campaigning in the Assembly election.

**Recommendation 6: Section 143 of PPERA should be extended to Northern Ireland**

In the interests of transparency and to ensure consistency across the UK, the UK Government should seek to apply Section 143 of the Political Parties, Elections and Referendum Act 2000 to Northern Ireland before the next set of scheduled elections in 2019.

**Regulating candidates' spending and donations**

4.27 In our public opinion survey we asked to what extent people agree or disagree that 'if a political party or another campaigner is caught breaking the rules, the authorities will take appropriate action'; 70% agreed appropriate action would be taken with 16% disagreeing.

4.28 We received a number of queries about potential breaches of the rules relating to candidates' and agents' compliance, including some complaints asking the Commission to investigate alleged breaches of the candidate rules. Since we do not have these powers, we advised complainants to contact the PSNI directly. The existence of two regulatory frameworks for similar offences can cause confusion amongst voters about who is responsible for breaches of the rules. The dual regulatory system also creates different approaches to enforcement between the police and the Commission in dealing with similar offences.

4.29 We have previously recommended extending our investigative and sanctioning powers at major elections, for offences relating to candidate spending and donations. We continue to believe that this change would help ensure compliance with the rules and strengthen the voters' trust in the regulatory system.

4.30 We recognise that there would be an ongoing cost to setting up and maintaining the appropriate structures, including within the Commission, to make an enhanced

---

<sup>9</sup> If the material is non-party campaign material that relates to a 'local campaign' then an imprint would be required under the Representation of the People Act 1983 (as applied by the Northern Ireland Assembly (Elections) Order 2001 (as amended)). Local campaigns are non-party campaigns for or against one or more candidates in a particular constituency.

framework work effectively. As with any significant reform to the regulatory framework, these kinds of changes would require a lead-in time to allow the relevant governments to restructure the law, and then allow sufficient time for campaigners, the Commission and law enforcement authorities to adjust prior to implementation. It will be important for Governments and Parliaments across the UK to work together on introducing the Commission's new powers for different sets of elections. This would support a smooth transition to a joined up system of regulation and enforcement for candidates and parties across the UK.

#### **Recommendation 7: Extending investigative and sanctioning powers**

We continue to recommend extending our investigative and sanctioning powers at major elections for offences relating to candidate spending and donations, including at Northern Ireland Assembly elections. It will be important for Governments and Parliaments across the UK to work together on introducing the Commission's new powers for different sets of elections.

#### **Social media and online campaigning**

4.31 The use of social media for campaigning at the Northern Ireland Assembly election has grown significantly since the 2011 election. Accordingly, there is an increasing interest and focus on campaigners' use of social media during the regulated period, as well as ensuring that the rules on campaigning are understood in an online context and compliance is upheld.

4.32 Online campaigning can vary from low cost informal activity through larger social media providers, or staff costs associated with updating these communication channels. The majority of campaigners at the Northern Ireland Assembly election had an online and social media presence.

4.33 Although there are no specific controls in the PPERA on the use of social media or digital campaign methods, any such spending would be subject to existing spending and reporting requirements. However, as the use of social media evolves, it will be important to monitor and understand changing campaigning techniques. Currently social media is not a separate reporting category within a campaign spending return, therefore we will only be able to conduct analysis of spending that is reported and categorised under the existing categories, such as 'advertising' or 'unsolicited material sent to voters'. From our experience of analysing returns from the 2015 UK Parliamentary General Election, we were only able to identify what had been spent on social media if the invoices enclosed in the spending returns identified the supplier as a social media provider. We anticipate that this will also be the case for the returns at this election, as the reporting categories are still the same.

#### **Recommendation 8: Reporting use of social media at future elections**

We will give further consideration to how campaigners should report spend on social media at future elections. As spend in this area grows, there is the potential for less transparency if expenditure on social media is not easily identifiable within the spending returns, because social media is not a specific reporting category. This will need to be considered as part of reviewing all of the expenditure reporting categories to ensure that they remain proportionate and relevant to future trends in campaigning. In case any of these changes would need to be implemented through legislation, we

recommend that the UK Government and Parliament should consider the timing needed for implementing changes before the next major elections<sup>10</sup>.

### **Canvassing outside of polling stations**

4.34 On polling day both the Electoral Commission and the Electoral Office received a number of complaints about the behaviour of canvassers outside polling stations. Some voters claimed to be intimidated by the behaviour of some canvassers and by the placing of posters, flags and vehicles in and around the entrance to the polling place.

4.35 The Chief Electoral Officer has produced a voluntary Code of Conduct on canvassing in the vicinity of polling places which has been in place for a number of years. He has been given assurances by the main political parties that they will adhere to this code and provides a copy of it to every candidate at the time of their nomination.

4.36 It is essential that voters do not feel intimidated in any way when going to the polling station to vote and we would encourage all parties and candidates to ensure that their canvassers adhere to the Chief Electoral Officer's Code of Conduct at future electoral events in Northern Ireland.

---

<sup>10</sup> We made the same recommendation in relation to the UK Parliamentary Election spending categories, and for Scottish Parliament and Northern Ireland Assembly elections in our post-election reports in 2015 and 2016

# 5 Public awareness

## **Our public awareness campaign**

5.1 We ran a campaign to increase people's awareness of the Northern Ireland Assembly election and how to take part, including ensuring people knew they needed to be registered to vote by the 18 April deadline. Our campaign included advertising as well as partnership and PR activities.

5.2 We aimed to reach all eligible voters with a particular focus on recent home movers, renters, students, young people and some black and minority ethnic (BME) communities, as through our research we identified these groups as people who are least likely to be registered to vote.

5.3 We ran online advertising including website banners, Google search and social media (Facebook, Twitter and Instagram) from 8 February; billboard and radio advertising from 15 February; and TV advertising from 14 March.

5.4 We used our adverts from our 2015 general election campaign and updated these to feature messages about the Northern Ireland Assembly election. This included our 'What?' TV advert which you can [view on Youtube](#), as well as website banner and social media adverts with specific messages aimed at home movers, students and young people.

5.5 To increase our efforts to reach young people we worked with Channel 4 and the production company Lime Pictures, to produce an additional TV ad featuring some of the cast members and the production style of the TV show Hollyoaks.

5.6 We formed partnerships with radio stations including Cool FM, Downtown, Q Belfast and Q Regional, which involved promoting our content, such as questions and answers to common queries about taking part in the election, across their radio and website channels.

5.7 In addition to encouraging people to register to vote, ensuring people knew how to cast their vote correctly and to bring photo identification to the polling station were also important messages for our campaign. We produced a short animated video and promoted this on Facebook to communicate these messages to voters.

## **Public awareness activities by other organisations**

5.8 On 15 April Facebook promoted a message in the newsfeeds of all UK Facebook users reminding them to register to vote before the deadline.

5.9 To support our campaign advertising we worked in partnership with a range of organisations who could help us promote voter registration messages to the groups who are least likely to be registered to vote and who needed additional support to take part in the election. This included: recent home movers, renters, students, young people, some BME communities and people with disabilities.

5.10 We worked with 13 organisations including: NUS-USI, Northern Ireland Council for Ethnic Minorities, Mencap Northern Ireland and the Northern Ireland Housing Executive.

5.11 To make it as easy as possible for partners to provide information to their audiences, we produced a suite of resources including a toolkit with examples of messages to share via websites, emails and social media channels as well as poster templates and factsheets.

### **Public information**

5.12 Working in partnership with the Electoral Office for Northern Ireland, a telephone helpline ran throughout the duration of our public awareness campaign. In total the helpline handled almost 18,000 calls from 28 March until polling day. More than a third of these calls related to electoral registration queries and a total of 4,357 registration forms were set out. A further 7,686 registration forms were downloaded from our aboutmyvote.co.uk website. Other common queries to the helpline related to absent voting (3,430 calls) and electoral ID (932 calls).

5.13 In addition to this the Electoral Office issued over 28,000 letters in early 2016 to homes across Northern Ireland to individuals they had identified as not being on the electoral register or whose details needed to be updated. Electoral Office staff also ran registration clinics at 18 events across Northern Ireland in the run-up to the election.

### **Measuring success**

5.14 To help measure the success of our campaign we set a campaign recognition target of 75% of people recognising at least one element of our campaign. We exceeded this target in Northern Ireland with 87% of people recognising at least one element of our campaign.

5.15 We also set a target of gaining 7,500 additions to the register in Northern Ireland from when our TV advertising started on 14 March until the registration deadline on 18 April. We exceeded this target with 12,776 additions to the register.

**Full details about the performance of our advertising, public relations and partnership activities, are available in [our campaign evaluation report](#).**

## 6 Looking ahead

6.1 As outlined in this report the Northern Ireland Assembly election was well run and there were high levels of satisfaction amongst the public and those who stood for election. It is clear that the Chief Electoral Officer and the Electoral Office have built on the lessons learnt from the 2011 Northern Ireland Assembly election and the 2014 European Parliamentary election, which have helped to improve confidence in the electoral process.

6.2 We would encourage the Chief Electoral Officer to continue to build on this work. The next scheduled elections will take place in 2019 therefore allowing sufficient time to consider what the future of the electoral process in Northern Ireland will look like. In this chapter we consider some of the issues.

### Reform of the Electoral Office for Northern Ireland

6.3 In February 2016 the Chief Electoral Officer advised the Commission that he was considering a range of options for reforming the Electoral Office for Northern Ireland. This was in light of the fact that online registration will be introduced by the end of 2016 and the need to introduce more resilience and efficiency into the delivery of elections. In particular the Chief Electoral Officer was keen to explore how greater use could be made of local councils to deliver elections and improve local accessibility to services. He also confirmed that he would not be renewing the leases at the Area Electoral Offices in Ballymena and Newtownards and that they would close towards the end of 2016, with staff being reallocated to other offices. Any future reforms made to the structure of the Electoral Officer and the delivery of the elections would be put out to public consultation.

6.4 Some candidates who responded to our survey used the opportunity to express their concerns and opposition to any potential closures of Area Electoral Offices and centralisation of services. Following the election, industrial action was taken by Electoral Office staff who were members of the Northern Ireland Public Services Alliance. Cross-party support was given to staff at the picket line during the industrial action.

6.5 It is clear that any potential change to the structure of the Electoral Office and the delivery of elections is an emotive issue. However the introduction of online registration and the move away from a paper based registration system does provide the opportunity to review how the organisation operates. We would encourage the Chief Electoral Officer to publish and consult on proposed changes to the delivery of electoral services in Northern Ireland as soon as possible to provide clarity and reassurance for those affected. We are also happy to provide any support and guidance to this process.

### Performance standards

6.6 Since 2008 the Electoral Commission has set standards, monitored and reported on the performance of Electoral Registration Officers and Returning Officers in Great

Britain. During this time we have made the case that these standards should also be applied to the Chief Electoral Officer for Northern Ireland so that they can provide a benchmark on the delivery of electoral services and support the sharing of good practice.

6.7 In March 2016 we published a new set of standards for Electoral Registration Officers which aim to support them in planning for and delivering well-run electoral registration services under the new individual electoral registration system in Great Britain. These performance standards should be extended to Northern Ireland once online registration is in place.

6.8 Returning Officers are also required to provide monitoring information to the Commission as part of their planning for electoral events in England, Scotland and Wales.

6.9 The Northern Ireland (Miscellaneous Provisions) Act 2014 gives the Secretary of State the power to extend the performance standards framework to Northern Ireland. Given the introduction of online registration by the end of 2016 it would now be appropriate for the Chief Electoral Officer to report to the Commission within this performance standards framework.

#### **Recommendation 9: Extend the performance standards framework in Northern Ireland**

In light of the introduction of online registration the Secretary of State for Northern Ireland should introduce an Order to extend the performance standards framework to Northern Ireland.

## **Donations and loans to political parties in Northern Ireland**

6.10 Since November 2007 political parties and regulated donees (such as elected representatives) in Northern Ireland have been required to submit details of donation and loans they have received (over a certain threshold) to the Electoral Commission. As required by law this information is currently not published by us. In contrast details of donations received by candidates contesting the Northern Ireland Assembly election are publically available.

6.11 The Northern Ireland (Miscellaneous Provisions) Act 2014 changed the law on the confidentiality requirement on donations and loans to political parties. Although the current reporting regime continues at present, the Act enables the Secretary of State via secondary legislation to allow details (excluding the donors name) of reportable donations and loans received by a political party from 1 January 2014 to be published at some point in the future. The Commission would also be able to publish some aggregated data about donations received between 2007 and 2014.

6.12 The Northern Ireland Office (NIO) has been developing secondary legislation which will enable the publication of some information whilst maintaining donor confidentiality. We will continue to work closely with the NIO and assist them to develop workable legislation.

6.13 It has been over two years since the Act was put in place and there continues to be public appetite for more information on how political parties in Northern Ireland are funded. As such we call on the UK Government to address this issue as a matter of urgency. This will help to increase public confidence in the democratic process.

**Recommendation 10: The UK Government should introduce secondary legislation to allow for the publication of partial information on donations and loans to political parties and regulated donees in Northern Ireland.**

The UK Government, through the NIO, should publish a timetable to ensure that the necessary secondary legislation is put in place to allow the Commission to publish partial information on donations and loans received by political parties. This should be done as soon as possible. The Commission will continue to be available to assist NIO to ensure the legislation is appropriate.

# Appendix A: Research methodology

## Public opinion survey

Between 6 and 28 May 2016, BMG Research interviewed a sample of 707 adults aged 18+ across Northern Ireland. Interviews were conducted by telephone: 80% landline and 20% mobile. Data are weighted to match the profile of Northern Ireland.

Where results do not sum to 100, this is due to multiple responses, computer rounding or the exclusion of don't knows/not stated.

Comparisons made between these polls and previous post-elections surveys are indicative and should be treated with some caution. [More information can be found on our website.](#)

## Electoral administrator feedback

The Commission issued a feedback form to electoral administrators to comment on their experience of administering the 5 May polls. The survey was conducted on Survey Monkey and was open between 6 May and 20 July 2016. A total of 3 responses were received from Northern Ireland.

## Survey of Candidates

In the week after polling day, the Commission issued a postal survey to every candidate who provided an address on the statements of persons nominated. We issued a total of 276 postal surveys to Northern Ireland Assembly election candidates and received 70 responses (a 25% response rate) on which candidate data is based.

Eighty per cent of respondents said they were candidates, but 20% said they acted as both candidate and agent. The respondents came from across the political spectrum (with 93% standing on behalf of a political party and 7% being independent candidates). The majority had contested an election before (70%).

The people who returned surveys of this sort are self-selecting, and the characteristics of our sample differ to an extent from those of all candidates. Our sample does cover a broad range of characteristics, however, the findings should not be taken to be representative of the views of all candidates in the same way that public opinion data seeks to be representative of the wider population.

## Electoral data

The Electoral Office for Northern Ireland provided information and data to inform this report. We are grateful for the assistance given in providing this information.

## Appendix B: Timings for the completion of verification and first stage

The tables below give timings for the completion of the verification and first stage of the Assembly election counts in 2011 and 2016.

The May 2011 Northern Ireland Assembly election was combined with the local council elections and the referendum on the voting system used at UK Parliamentary general elections. As such at the count in May 2011 three ballot boxes had to be verified for each polling station at the count, meaning that the beginning of the count was more complex than in 2016. In addition, in some constituencies in May 2011 the verification of unused ballot papers was not completed overnight which delayed the verification of used ballot papers.

<b>Constituency</b>	<b>Time verification completed at the May 2011 election</b>	<b>Time first preference votes counted at the May 2011 election</b>
Belfast East	16:15	22:30
Belfast North	15:45	21:55
Belfast South	15:50	20:45
Belfast West	18:30	22:30
East Antrim	11:00	10:55 (2 <sup>nd</sup> day)
East Londonderry	15:00	19:25
Fermanagh & South Tyrone	16:45	23:25
Foyle	11:30	22:40
Lagan Valley	11:00	19:50
Mid Ulster	18:30	23:05
Newry & Armagh	13:45	19:00
North Antrim	13:30	22:20
North Down	10:45	10:40 (2 <sup>nd</sup> day)
South Antrim	13:30	Not known
South Down	13:45	19:30
Strangford	13:00	21:30
Upper Bann	10:45	18:45
West Tyrone	12:30	Not known

The May 2016 Northern Ireland Assembly election was not combined with any other polls. Verification commenced at 8am at all count venues. Unlike in 2011 a maximum of two constituencies were counted at each venue (with the exception of Belfast where all four Belfast constituencies were counted at the Titanic Exhibition Centre).

<b>Constituency</b>	<b>Time verification completed at the May 2016 election</b>	<b>Time first preference votes counted at the May 2016 election</b>
Belfast East	10:10	13:30
Belfast North	10:40	13:45
Belfast South	10:50	14:00
Belfast West	10:30	14:20
East Antrim	09:30	13:30
East Londonderry	10:30	13:25
Fermanagh & South Tyrone	11:10	14:50
Foyle	10:30	13:10
Lagan Valley	11:20	13:45
Mid Ulster	10:20	13:30
Newry & Armagh	12:30	16:15
North Antrim	10:25	15:30
North Down	10:00	15:00
South Antrim	09:15	Not known
South Down	11:41	14:30
Strangford	09:55	14:00
Upper Bann	13:00	17:30
West Tyrone	10:37	14:30