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The
Electoral
Commission



The Northern Ireland Assembly elections 2007

The official report on the Northern Ireland
Assembly elections 7 March 2007

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The Electoral Commission

We are an independent body set up by the UK Parliament. Our aim is integrity and public confidence in the democratic process. We regulate party and election finance and set standards for well-run elections.

The Northern Ireland Assembly elections 2007

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Preface

This is the fourth report produced by the Electoral Commission on elections in Northern Ireland and completes the full cycle of election reports since the Commission's office was established in Northern Ireland in 2001. In discharging its statutory responsibility to produce a report on the administration of the elections, the Commission has sought to place the interests of the electorate at the centre of its thinking.

The electoral landscape in Northern Ireland has undergone considerable change since the Commission first began reporting on elections. Previous reports have contained a number of recommendations aimed at improving both electoral administration and the electoral process. Many of these have now been implemented and we anticipate that others will be addressed for future elections. The electoral system will undergo further changes with the commencement of the Electoral Administration Act 2006 and the move to continuous registration.

Our reports reflect an increasing understanding of the electoral process, with individual registration and the requirement for photographic identification resulting in elections that are now largely free from allegations of electoral fraud. Despite these advances in electoral administration, perceptions of electoral fraud persist and political parties and all those interested in the health of the democratic process in Northern Ireland must seek to allay these concerns and suspicions. Given the requirement for photographic ID at polling stations, the role of polling agents in the electoral process in Northern Ireland and the UK generally deserves a wide-ranging and open discussion.

Our plans for the future will ensure that we continue to play a central role in the democratic life of the UK. We intend to demonstrate and enhance our effectiveness as the regulator of party and election finance and also give high priority to our role in leading a drive for increasingly high standards of electoral administration, including electoral registration.

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Despite the elections taking place against a backdrop of some uncertainty about whether a functioning devolved institution would emerge, credit is due to the Chief Electoral Officer and his staff for delivering successful elections. The Commission would like to thank all those who have provided us with assistance and information to inform the report, including the Chief Electoral Officer and his staff, political parties, broadcasters and members of the public.

Finally, I would wish to record my personal appreciation of the work undertaken by Commission staff in Northern Ireland in compiling this report.

A handwritten signature in blue ink, appearing to read 'K. Singh'.

Karamjit Singh CBE
Commissioner

Summary

Elections in Northern Ireland have undergone a considerable transformation in the last few years. Electoral administration was fundamentally changed by the introduction of the Electoral Fraud Act in 2002, which introduced individual registration and requirements for photographic identification at polling stations. These changes have formed the bedrock for increased confidence in the electoral system, which is seen in a more accurate and robust electoral register and elections largely free from allegations of fraud. This in turn has enabled the Chief Electoral Officer to focus on further improving the quality of electoral administration.

As in 2003, planning for the 2007 Northern Ireland Assembly elections took place against the backdrop of some uncertainty in the political process. Improvements in electoral administration are reflected in the voters' experience where nine in 10 (90%) of those interviewed in our post-election public opinion survey said they were either very or fairly satisfied with their overall experience of the elections. These positive views were endorsed by the political parties, candidates, representatives of civic society and the media, none of whom raised any significant issues of concern with the Commission.

Electoral Administration Act 2006

Future elections in Northern Ireland will benefit from the introduction of the Electoral Administration Act 2006, which was not introduced in Northern Ireland in time for the March elections. The Northern Ireland Office plans to commence the provisions of the Act for UK Parliamentary general elections before the Parliamentary recess in summer 2007, after which the provisions will be applied to Northern Ireland Assembly and local government elections. The provisions include allowing people to register to vote up to 11 days before polling day and will introduce changes to political party descriptions. The May 2007 elections in England, Scotland and Wales have provided important learning points on the application of the Act in Northern Ireland.

Electoral registration

Individual registration and the requirement for personal identifiers has resulted in a much more accurate and robust electoral register than had been the case under household registration.

The number of people registered to vote at the 2007 Assembly elections had increased by approximately 18,000 since the 2003 elections. While some Presiding Officers and Poll Clerks encountered people turning up to vote who were not registered, the numbers involved were relatively low. The move to continuous registration and the ability of the Chief Electoral Officer to request information from local and public authorities has the potential to increase the accuracy and comprehensiveness of the register. The Commission and the Electoral Office for Northern Ireland (EONI) will continue to build on the successful and innovative work undertaken to date to ensure that hard to reach groups including people with disabilities and those from black and minority ethnic communities are registered.

Photographic ID and turnout

In Northern Ireland all electors must present a valid form of photographic identification at polling stations before being issued with a ballot paper. The proportion of people turning up to vote without valid photographic ID increased slightly since 2003. Altogether, 4,161 people turned up to vote without one of the four forms of prescribed photographic ID. However, the message on the requirement for photographic ID is now well understood with over nine in 10 (96%) of those questioned in our tracking research aware of at least one correct form of identification.

Turnout at the Assembly elections was 63%, a percentage similar to the May 2005 combined elections and the November 2003 Assembly elections. It was higher than some commentators had predicted, given the uncertainty as to

whether a functioning Executive would be established after the elections. Of the 696,538 ballots cast, 6,382 were spoiled, representing just under 1% of the total cast. This represents a significant improvement on the 2003 Assembly elections when 10,221 votes, equating to 1.5%, were spoiled.

Postal voting

Despite the security of the registration process in Northern Ireland, which comprises individual registration and personal identifiers, those wishing to apply for a postal vote, unlike their counterparts in the rest of the UK, must give a valid reason for doing so. EONI has the ability to check and verify personal information on postal vote applications with that submitted at the time of registration. The Chief Electoral Officer has indicated that he is considering recommending to the Secretary of State that postal voting on demand be introduced in Northern Ireland but only if anti-fraud measures, including restrictions on proxy voting, were also introduced at the same time. The Commission would support a review with security, integrity, public confidence, administrative impact and costs being key elements.

There is evidence that some people are confused by the postal vote application process and inadvertently disenfranchise themselves by not completing the application form correctly. Following the elections the Chief Electoral Officer said he would review the administration of the current system of postal voting, including form design, access and consistency of approach in determining applications. The Commission would support such a review.

Nominations

The nominations process benefited from the introduction of a revised system by the Chief Electoral Officer so that candidates and agents could voluntarily make appointments in advance with area electoral offices to lodge nomination papers. This was welcomed by candidates and agents who responded to our survey. The total number of candidates nominated was 257, representing an increase of two from the 2003 Assembly elections. Of these 48 were women, one less than in 2003. Altogether, 17 political parties fielded candidates while there were 28 independents, compared to 22 in 2003. The largest number of candidates (18) stood in the constituency of Belfast South with the smallest number (12 each) standing in Mid Ulster, Newry and Armagh and West Tyrone.

Candidates wishing to contest the Northern Ireland Assembly elections had to have their nomination papers signed by a proposer, seconder and eight other electors registered to vote in the constituency. The Chief Electoral Officer said the requirement for staff in area electoral offices to check and verify over 2,500 names within a short timeframe placed a significant administrative burden on them which he felt was disproportionate to the value of the exercise.

Candidates wishing to contest Northern Ireland Assembly elections are required to pay a deposit of £150. The total amount received from the 257 candidates was £38,550, of which £25,500 was subsequently returned to candidates who saved their deposit. Altogether, 87 candidates lost their deposit at a total cost of £13,050. In light of his experiences the Chief Electoral Officer has asked the Northern Ireland Office to review the

current arrangements for subscribers and deposits at Northern Ireland Assembly elections.

Polling agents

The conduct of polling agents was again raised at these elections and their continued role inside polling places was questioned by some political parties and candidates. The historic function of polling agents is to identify cases of personation and bring them to the attention of the Presiding Officer. To assist them in this task they are allowed to mark off on their copy of the electoral register those voters who have been issued with a ballot paper. This register must not be removed from the polling place during the hours of polling nor any information contained on it be relayed to people outside. The traditional role of polling agents in Northern Ireland has largely been made redundant with the introduction of requirements for photographic ID at polling stations.

Feedback from observers and Presiding Officers noted that the behaviour of a small minority of polling agents had an impact on the smooth running of the poll, leading, in some cases, to perceptions that polling agents undermined the electoral process. It is important that a balance is struck between the legitimate presence of political party representatives within the polling place, the right of voters to cast their ballot in secret and the need for poll staff to administer the elections in an atmosphere free from intimidation. The Commission would be prepared to facilitate a discussion with the political parties and key stakeholders on the role of polling agents at elections in the UK with a view to finding a consensus on the way forward. Options for discussion could include legislative change, the development of a code of practice for political parties or maintenance of the status quo.

Perceptions of electoral fraud

Perceptions of electoral fraud persist among a significant proportion of the general public in Northern Ireland. To some extent this is not surprising given decades of suspicion surrounding the electoral process. However, these perceptions are not borne out by experience of recent elections. At the time this report was prepared, no complaints or allegations of electoral fraud had been raised with the Commission by political parties, candidates or the public. The police had also advised the Commission that they had not received any complaints about electoral fraud on polling day. In respect of postal voting the Chief Electoral Officer referred three cases of possible fraudulent postal votes to the police for investigation prior to polling day.

The count

Previous Commission reports on the 2003 and 2005 elections identified media access to the counts in Northern Ireland as a particular issue. Broadcasters criticised the restrictions on access at count centres and contrasted the situation in Northern Ireland with the enhanced access afforded elsewhere in the UK. Significant steps were taken by the Chief Electoral Officer to improve media access at the counts and these initiatives were well received by broadcasters and the large number of media who covered the elections. Broadcasters felt that the Chief Electoral Officer and his colleagues had a good grasp of the media's role and expectations and that this resulted in improved television and radio coverage which benefited viewers and listeners alike. The Commission welcomes developments in this area that serve to enhance the transparency of the electoral process.

A notable innovation at the elections was the introduction by the BBC of a results text service to mobile phones. This was a first at a UK election and although the service was promoted for little more than 24 hours it attracted 8,500 subscribers.

The complex nature of single transferable vote (STV) counts, where the transfer value of votes has to be calculated, means that they can take a considerable amount of time and have been known to last for up to two full days. This has been the source of some frustration for political parties and the media for a number of years. In previous election reports we suggested there should be a wide-ranging review of the systems and procedures used and also that the electronic counting of votes should be explored.

There are a number of potential advantages to electronic counting at STV elections, including improved accuracy, consistent application of the regulations governing counts, improved efficiency and quicker results. However, any move to electronic counting would need to ensure that the system is fully transparent in order to provide reassurance to all those involved that the processes are accurate, fair and trustworthy. A move in this direction will require extensive consultation with the political parties and other key stakeholders.

1 The elections in context

Across the UK there is diversity in arrangements for elections with different management structures for registration and the administration of elections in Northern Ireland and Scotland as compared to England and Wales. In Northern Ireland individual registration and the requirement for photographic ID at polling stations has been in place since 2002. All elections in Northern Ireland, with the exception of UK Parliamentary general elections, use the single transferable vote (STV), where voters are required to rank candidates in order of preference.

Remit of the Electoral Commission

1.1 The Electoral Commission is an independent body set up by the UK Parliament under the Political Parties, Elections and Referendums Act 2000. Our aim is to promote integrity and public confidence in the democratic process. We regulate party and election finance and set standards for well-run elections. Our new corporate plan sets our strategic direction over the next five years from April 2007. The aims and objectives of the plan are underpinned by two key priorities – demonstrating and enhancing our effectiveness as the regulator of party and election finance and leading the drive for increasingly high standards of electoral administration, including electoral registration. Our corporate objectives for the period 2007–8 to 2011–12 are:

- integrity and transparency of party election finance
- complete and accurate electoral registers supported by a well-run registration process
- well-run elections and referendums which produce results that are accepted
- public understanding of the way our democracy works
- fair boundary arrangements for elections

1.2 As part of our future direction we will continue to produce independent, statutory reports on the administration of all major elections in the UK. We will also continue to review and comment on draft legislation and identify where changes in the law will help secure improvements in the delivery of quality electoral administration.

Elections in the UK

1.3 Across the UK there is diversity in arrangements for elections. In Northern Ireland, for example, individual registration and the requirement for photographic ID at polling stations has been in place since 2002.¹ There are also different management structures for registration and the administration of elections in Northern Ireland and Scotland as compared to England and Wales. The STV, additional member, supplementary vote, closed party lists and first-past-the-post systems are now used at different elections in the UK. All elections in Northern Ireland, with the exception of UK Parliamentary general elections, use STV where voters are required to rank candidates in order of preference.

1.4 During the last 24 years there have been 20 Northern Ireland-wide elections and one referendum. The unpredictable nature of politics in Northern Ireland over a number of decades has made election planning on occasions difficult, with elections sometimes being called or postponed at short notice. The restoration of devolved government on 8 May 2007 should assist in ensuring that future elections to the Northern Ireland Assembly are conducted in a more stable electoral environment and follow a regular four-year cycle.

Scope of the report

1.5 This report identifies and comments on key issues that emerged during the course of the elections. It focuses primarily on the

administration of the elections and the voter experience and makes comparisons with previous elections in Northern Ireland and, where appropriate, with the position elsewhere in the UK. Unlike previous election reports it does not give an overview of the campaigns conducted by the parties, commentary on how the media reported the elections or provide a detailed analysis of voter turnout.² Details about party and candidate expenditure incurred at the elections will be published later in 2007.

Sources used to inform the report

This report has been informed by a number of sources including:

Observers

1.6 Altogether 18 Commission representatives visited around 120 of the 626 polling places in use on polling day and some also attended the counts on Thursday 8 and Friday 9 March. Observers reported on a range of issues including access to polling places, layout of polling stations, provision of voter information, staffing and the management of the count.

Presiding Officer and Poll Clerk questionnaires

1.7 Altogether 513 Presiding Officers and 497 Poll Clerks were sent a postal questionnaire after the elections seeking their views on a range of topics including training, access to the polling place, opening the poll, complaints and the close of poll. Just over a third (36%) of the Presiding Officers and a similar proportion of Poll Clerks responded. Responses to both

¹ Appendix A contains an explanation of electoral administration in Northern Ireland.

² For more information on voter turnout visit www.ark.ac.uk.

surveys were received from poll staff working in all 18 constituencies in broadly equal measure.³

Candidate and agent questionnaires

1.8 A postal questionnaire was sent to all 257 candidates contesting the elections for completion by either the candidate themselves or their election agent. In total 30 responses were received from candidates or agents from seven political parties.⁴

Public opinion research

1.9 Ipsos MORI was commissioned to conduct public opinion research on the voter experience with a representative sample (1,030) of the Northern Ireland population aged 18+. The survey had a sampling tolerance of +/- 3%. Interviewing was carried out face-to-face in people's homes between 14 March and 3 April. The public opinion research was supplemented with six focus groups conducted after the elections with voters and non-voters.

1.10 The Millward Brown Ulster omnibus survey was used during March 2007 to survey public awareness of the Commission's voter information campaigns. A representative sample of the Northern Ireland population was asked for its views. Interviews were conducted face-to-face in people's homes and the sampling tolerance was +/- 3%. In the report this is referred to as tracking research.

Stakeholder consultations

1.11 Following the elections a discussion was held with the Chief Electoral Officer and his senior colleagues while a separate discussion was held with area electoral officers who acted as deputy returning officers at the elections. In addition, the views of a range of stakeholders including the political parties, voluntary and statutory organisations, the police and the media were sought. The Commission also hosted a post-election seminar to discuss key aspects of the elections and the event was attended by over 70 delegates.

³ Although a 36% response rate is high for a postal questionnaire, it should be noted that this is not a representative sample of poll staff who worked on the day.

⁴ Given the low response rate to the postal questionnaire the results should be treated with caution and are not representative of all candidates/agents who stood for election.



2 Preparing for polling day

The deadline for registering to vote for the Assembly elections was 11 January 2007. The register used was that published on 1 February 2007 and it contained the names of 1,115,956 people representing an estimated 85% of the eligible electorate. The Chief Electoral Officer for Northern Ireland established an elections steering group which enhanced co-ordination between key stakeholders. Altogether 3,700 staff were recruited by EONI to work on polling day.

The announcement of the elections

2.1 The Northern Ireland Assembly was suspended in October 2002 due to ongoing difficulties with the peace process. After various attempts at restoring devolved government, the British and Irish governments published the St Andrews Agreement in October 2006 following negotiations with the main political parties. The Agreement outlined a proposed way forward for political progress and was subsequently endorsed by the main political parties. The Northern Ireland (St Andrews Agreement) Act 2006 scheduled Northern Ireland Assembly elections for 7 March 2007 and allowed for the Assembly, elected on 26 November 2003, to be dissolved on 30 January 2007. The elections were formally announced on 30 January 2007.

Elections steering group

2.2 The Chief Electoral Officer established and chaired an elections steering group in the run-up to the elections. Representatives from the Northern Ireland Information Service, the Commission and the police attended the group which dealt with a range of planning issues including legislation, media liaison, provision of information to the electorate, the role of observers and policing. The group facilitated greater co-ordination between the key stakeholders involved in the elections and allowed potential problems to be addressed quickly and effectively. Participants agreed the steering group was an effective forum and should be reconvened in advance of future elections.

New legislation

2.3 The Electoral Administration Act 2006 introduced significant changes to the way elections are run in the UK and gave the Electoral Commission new powers and responsibilities. However, the vast majority of the provisions in the Act were not commenced in Northern Ireland in time for the Assembly elections. The Commission has been given an assurance by the Northern Ireland Office that the provisions of the Electoral Administration Act 2006 will be commenced for UK Parliamentary general elections before the 2007 summer recess and, thereafter, applied to the Northern Ireland Assembly and local government elections before the end of 2007. Some of the changes brought about by the Act, but not in force for the March 2007 elections, included allowing people to register up to 11 days before polling day, an election observers accreditation scheme to be administered by the Commission and changes to political party descriptions.

2.4 In the run-up to the elections the Northern Ireland Office introduced two new pieces of legislation specifically relating to the Assembly elections:

- The Northern Ireland Assembly (Elections Amendment) Order 2007 clarified the definition of campaign expenditure limits for candidates at Assembly elections.
- The Electoral Administration Act 2006 (Commencement No. 3) Order 2007 came into force on 7 February and lowered the age of candidacy from 21 to 18 years old.

Section 7 of the Political Parties, Elections and Referendums Act 2000 states that the Electoral Commission must be consulted on changes to electoral law. The consultation period for Northern Ireland legislation has often been relatively short given the unpredictability of political developments in Northern Ireland. Indeed, this was the case with the Northern Ireland Assembly (Elections Amendment) Order 2007. While recognising the constraints within which the Northern Ireland Office had to work the Commission advised the Secretary of State for Northern Ireland that consultations on draft legislation had to be meaningful with adequate time given for consideration by the Commission.

Legal challenges

2.5 In early February 2007 a 19-year-old threatened legal action against the Secretary of State for Northern Ireland if the age of candidacy was not lowered from 21 to 18 in line with England, Scotland and Wales. This was due to the fact that the provision in the Electoral Administration Act 2006 which lowered the age of candidacy from 21 to 18 had not been commenced in Northern Ireland. The situation was addressed by the introduction of the Electoral Administration Act 2006 (Commencement No. 3) Order 2007 and no legal action ensued.

2.6 Before the elections three sentenced prisoners were granted leave to seek a judicial review in order to be allowed to vote at the Assembly elections. Sentenced prisoners in the UK are currently disqualified from voting under sections 3 and 4 of the Representation of the People Act 1983, although the Government has just completed a consultation process on this issue.

The prisoners claimed that the denial of the right to vote was a breach of their human rights under the European Convention. The full hearing took place in the High Court in Belfast on 1 March and the applicants' case was dismissed after the judge ruled it would not be in the public interest to postpone or cause disruption to the Assembly elections. The judgement concluded that: 'The population at large have a legitimate expectation that the elections will occur on schedule and the court should not readily become the instrument that frustrates that expectation'.⁵ The decision was affirmed by the Court of Appeal.

The relevant register

2.7 The deadline for registering to vote was 11 January 2007 and the electoral register used for the March 2007 elections was that published on 1 February 2007. The number of people registered to vote was 1,115,956, representing an estimated 85% of the voting age population. This compares to 1,097,551 electors who were registered to vote at the 2003 elections when the registration rate was estimated at 87%.⁶ Some political parties raised concerns with the Commission that the provision in the Electoral Administration Act 2006 allowing registration up to 11 days before polling day had not been commenced in time for the March Assembly elections. Some parties were of the view that its introduction would have encouraged more people to register at a time when there was a significantly increased public awareness of the elections.

⁵ In the matter of an application by Ciaran Toner and Hugh Walsh for leave to apply for judicial review, www.courtsni.gov.uk/en-GB/.

⁶ The estimated registration rate has been calculated from figures provided by the Northern Ireland Statistics and Research Agency who publish mid-year estimates of the Northern Ireland population. The voting age population has increased by an estimated 45,000 between September 2003 and February 2007.

2.8 The Chief Electoral Officer advised the Northern Ireland Office that the commencement of the 11-day deadline was not achievable within the timescale due to a number of practical, mainly IT software issues that needed to be resolved. In the absence of the 11-day deadline approximately 26,000 additional electors were nevertheless added to the register in January and February 2007. The Commission and EONI will continue to build on the successful and innovative work undertaken to date to ensure that hard to reach groups including people with disabilities and those from black and minority ethnic communities are registered. Individual registration and the requirement for personal identifiers has resulted in a much more accurate and robust electoral register than had been the case under household registration. The move to continuous registration and the ability of the Chief Electoral Officer to request information from local and public authorities has the potential to increase the accuracy and comprehensiveness of the register.

Support to candidates, agents and political parties

2.9 The Commission, in conjunction with EONI, produced guidance for candidates and agents contesting the Assembly elections. The guidance provided assistance on all aspects of the election campaign, including nominations, polling day, the count and submission of election expenses. The guidance was available to download from both the Commission and EONI websites.

2.10 In January and February 2007 the Commission, in co-operation with EONI and Royal Mail, who administer the freepost system,

hosted three election information seminars for candidates and agents. Seminars of this type were first held in advance of the May 2005 elections. Attendance at the 2007 seminars was not as high as it was in 2005 for the combined elections when the number of candidates was much higher. The relatively low attendance could perhaps be explained by the uncertainty surrounding the elections and the fact that some parties left it quite late before selecting candidates. The political parties said they found the seminars valuable and would like to see these continue at future elections.

2.11 The Commission also organised a series of half-day seminars for political parties on the rules about campaign expenditure. Separate seminars were held for each of the five main political parties with a further one for the smaller parties. The aim was to assist and advise the parties on completion of their post-election campaign expenditure returns and to make them aware of their statutory obligations. The seminars focused on areas the parties have traditionally found difficult including completing the necessary documentation, notional expenditure, authorising party and candidate campaign expenditure and recording donations. Later this year we will publish information on the extent to which there was an improvement in parties and candidates' compliance with the rules compared with previous elections.

Training for polling staff

2.12 The Commission, in conjunction with EONI, produced training materials for polling staff for use at the elections. These included a comprehensive handbook and a quick

reference 'placemat' for use at the polling station. Responses to the survey of Presiding Officers showed that the materials were widely used, with 97% of Presiding Officers saying they had read the good practice guide before polling day and a further 82% saying they had referred to the materials on polling day. Feedback on the face-to-face training delivered by EONI was very positive, with 96% of Presiding Officers agreeing that the training they received had enabled them to carry out their duties effectively. This is reflected in the comments received from Presiding Officers, many of whom complimented the mock polling station training scenarios as having been particularly helpful.

2.13 Just over eight in 10 (83%) Poll Clerks said they had worked as a Poll Clerk previously. Not all had received training prior to the elections, with just over a third (35%) saying they had. Of those who received training 95% found it informative. The vast majority (88%) of Poll Clerks received training materials before the elections and 97% found the material useful.

New political parties

2.14 Political parties wishing to contest elections in Northern Ireland must be registered with the Commission, which keeps a separate register of Northern Ireland political parties. In the run-up to the elections a number of queries were raised about registering. In the event, only one of the new parties that registered after the announcement of the elections went on to contest it. The deadline for a party to register in order to contest the Assembly elections was Friday 9 February.

Nominations

2.15 Nominations were open between 10am and 4pm on Monday 12 February and Tuesday 13 February 2007. The Chief Electoral Officer revised the nominations process so that candidates and agents could voluntarily make appointments in advance with area electoral offices to lodge nomination papers. Once the papers were delivered a receipt was given to the candidate who was then subsequently telephoned and advised that their nomination forms were acceptable or that amendments were required. The Chief Electoral Officer said the new system had eased pressure on staff and that nominations had been processed more efficiently. Candidates and agents who responded to our survey confirmed that the revised system worked well.

2.16 The total number of candidates nominated was 257, representing an increase of two from the 2003 Assembly elections. Of these 48 were women, one less than in 2003. Altogether, 17 political parties fielded candidates while there were 28 independents, compared to 22 in 2003. The largest number of candidates (18) stood in the constituency of Belfast South with the smallest number (12 each) standing in Mid Ulster, Newry and Armagh and West Tyrone.

2.17 The leader of one political party based in Northern Ireland stood in six constituencies and fielded candidates in a further seven.⁷ This resulted in significant media interest and confusion over what would happen if the candidate was elected in more than one constituency.

⁷ The leader of another political party stood in the four Belfast constituencies and an independent candidates contested two constituencies.

A specific question posed by the media was whether the successful candidate could nominate substitutes to serve as Members of the Legislative Assembly (MLAs) in accordance with the substitution system operated by the Assembly and administered by the Chief Electoral Officer.⁸

2.18 The position was clarified by the Northern Ireland Office who referred to Article 6 of the Northern Ireland Assembly (Elections) Order 2001. This specifies that if a vacancy arises because a candidate who was elected in more than one constituency resigns, then a by-election must be held rather than the seat being taken by a substitute. Legislation in the rest of the UK now prevents candidates from contesting more than one constituency. However, as the law currently stands in Northern Ireland there is nothing preventing a candidate from contesting more than one constituency at an Assembly election and if successful retaining more than one seat. Section 34 of the Northern Ireland Act 1998 allows for the Secretary of State to make an Order prohibiting multiple candidacies for Assembly elections although no such Order has yet been made. Given the confusion surrounding this issue the Commission believes there would be merit in introducing an Order to rectify this position before future Assembly elections in Northern Ireland.

Subscribers

2.19 Subscribers have been a long-standing feature of elections in the UK since the introduction of the Ballot Act in 1872. Candidates wishing to contest the Northern Ireland Assembly

⁸ In order to restrict by-elections candidates can, at the time of nomination, provide the Chief Electoral Officer with the names of up to six substitutes, who can take the place of an MLA in the event of resignation or death.

elections had to have their nomination papers signed by a proposer, seconder and eight other electors registered to vote in the constituency. Eligible electors can sign up to six sets of nomination papers and an analysis shows that many had subscribed more than one nomination paper, which could be argued was more a test of administrative ability on the part of the party and candidate than of electoral support. According to the Chief Electoral Officer the requirement for staff in area electoral offices to check and verify over 2,500 names within a short timeframe placed a significant administrative burden on them which he felt was disproportionate to the value of the exercise.

2.20 Our report *Standing for election in the UK*,⁹ highlighted inconsistencies as to how the subscriber system operates at elections in the UK. Subscribers are no longer required for European Parliamentary or Scottish Parliamentary elections while those wishing to contest elections to the National Assembly for Wales require only one subscriber or can subscribe themselves. It has been suggested by some electoral administrators that abolishing the subscriber system could lead to an increase in the number of ‘joke’ or ‘frivolous’ candidates. However, evidence from Scotland and Wales since 1999 suggests that the number of such candidates has not noticeably increased. In the context of Northern Ireland Assembly elections the Chief Electoral Officer has also questioned the value of the subscriber system and has asked the Northern Ireland Office to review it.

Deposits

2.21 Deposits for UK Parliamentary general elections were first introduced by the Representation of the People Act 1918. They have been a feature at certain elections in the UK since, although there are significant differences in the size of the deposit depending on the election. The role of deposits was reviewed by the Commission in *Standing for election in the UK*. The report noted that the vast majority of local authorities and the main political parties that responded to our consultation document took the view that the deposit system remained the best and most effective mechanism for ensuring that the integrity of public elections was not undermined by a proliferation of ‘joke’ or ‘frivolous’ candidates, or left open to exploitation by commercial interests. Candidates standing for election to the Scottish Parliament and National Assembly for Wales are required to pay a deposit of £500. In 2001 the size of the deposit required to stand for election to the Northern Ireland Assembly was reduced from £500 to £150.¹⁰ The deposit is forfeited if the candidate fails to achieve, at any stage of the count, one quarter of the quota.

2.22 Both the Chief Electoral Officer and Area Electoral Officers have highlighted the volume of work involved in processing deposits. The total amount received from the 257 candidates was £38,550, of which £25,500 was subsequently returned to candidates who saved their deposit. Altogether, 87 candidates lost their deposit at a total cost of £13,050. One political party suggested that if the deposits system was to be

¹⁰ Rule 9 of the Parliamentary Elections Rules 1983 as applied with modification to the Assembly elections by Article 3(1) of the Northern Ireland Assembly (Elections) Order 2001.

⁹ The Electoral Commission, *Standing for election in the UK*, June 2003.

retained, it should be streamlined with deposits being paid centrally by the party on behalf of candidates. The Chief Electoral Officer has also asked the Northern Ireland Office to review the arrangements for deposits.

Party emblems and descriptions

2.23 In the run-up to the elections the Chief Electoral Officer and his deputy returning officers encountered some inconsistencies with party descriptions and uncertainty surrounding which emblems could be used. Given the unique structure of electoral administration in Northern Ireland, where the Chief Electoral Officer is returning officer for all constituencies, it was suggested by him that the system could be improved by adopting a more centralised approach to party descriptions and emblems, which would benefit electoral administrators, candidates and nominating officers of the parties. Following the post-election seminar the Chief Electoral Officer wrote to the Commission setting out his initial thoughts which envisaged a greater role for his office. We plan to discuss his proposals in more detail before determining a way forward, which will take into account any potential implications that a change would have in the rest of the UK.

Freepost

2.24 Each candidate standing for election is entitled to send, free of charge, one election communication to each elector or property in the constituency. For the March Assembly elections the cost of freepost was £942,000, equating to an average of £3,844 for each candidate who used the service. The cost of

production of the materials is the responsibility of the candidates themselves.¹¹

2.25 In the run-up to the elections, Royal Mail delivered 6.5 million items of election literature via the freepost system to an estimated 750,000 addresses across Northern Ireland. Of the 257 candidates who were nominated, 245 chose to use the system. Royal Mail revised the freepost facility ahead of the Assembly elections to ensure that it worked more efficiently. A specific issue of concern raised by parties and candidates was the delay in the availability of Royal Mail guidance on election literature. In the absence of guidance some parties had no option but to begin the design of artwork. Royal Mail has acknowledged that this was an issue and has given an undertaking to make guidance available in a more timely manner at future elections. Overall, however, feedback from candidates and agents in respect of the freepost system was largely positive.

Party election broadcasts

2.26 Section 11(3) of the Political Parties, Elections and Referendums Act 2000 specifies that the BBC must have due regard to the views of the Commission when determining its policy with respect to party political or election broadcasts. Section 333(5) of the Communications Act 2003 places a similar duty on the Office of Communications (Ofcom). The Commission was consulted on the BBC's planned allocation of party election broadcasts (PEBs) for the March 2007 Assembly elections and was

¹¹ An estimated breakdown of the cost of the March 2007 Assembly elections is contained in Appendix B.

satisfied with the approach adopted by the BBC. Following a review of how well the parties performed electorally at the 2003 Assembly elections and after discussions with the political parties, the BBC and Ulster Television (UTV) agreed to allocate PEBs as follows:

- Four to each of the four largest parties – DUP, Sinn Féin, UUP and the SDLP.
- Two to a party which had more than one member of the outgoing Assembly and was fielding candidates in one-sixth (three) of the constituencies. The Alliance Party qualified in this category.
- One to any party fielding candidates in one-sixth of the constituencies. The Conservative Party, Green Party, the Workers' Party, Make Politicians History, Progressive Unionist Party (PUP) and the United Kingdom Unionist Party (UKUP) qualified. However, the UKUP did not take up its allocation.

The PEBs of the main parties varied in length, ranging from 2.5 to 4.5 minutes. Altogether the BBC broadcast 46 PEBs on television and a further 23 on Radio Ulster while UTV broadcast 23. Both the BBC and UTV said that they had difficulty scheduling so many PEBs during a relatively short campaign. A number of parties also promoted their PEBs on the YouTube website.

2.27 UTV advised the Commission that in its view the allocation of four PEBs to the main parties was excessive. It criticised the PEBs as 'repetitive, usually over-long and generally of poor quality', and did not warrant the 'high-

profile, peak-time' viewing slots that they were afforded.¹² The broadcaster also raised concerns about the allocation of PEBs to the smaller parties given that a party had only to field three candidates to qualify for a PEB. It suggested that the current system could be open to abuse where, for example, a 'publicity seeker' standing on a single issue could register as a political party and gain access to valuable airtime. Both the BBC and UTV intend reviewing the allocation of PEBs in advance of the next Assembly elections.¹³

Postal voting

2.28 The number of postal votes issued at the March 2007 elections was 19,846, representing 2.8% of the total votes cast, a proportion almost identical to the 2003 Assembly elections. However, there were considerable variations between constituencies in terms of postal votes issued. The constituency of Fermanagh and South Tyrone had the highest number (3,418) compared to North Down with the lowest (409). Fermanagh and South Tyrone accounted for 17% of all postal votes issued in Northern Ireland.

2.29 Information contained on postal vote applications was checked by EONI against that submitted at the time of registration. Altogether, 1,881 applications for a postal vote were rejected. The main reasons were: 'different signature' (559), 'not registered' (270) 'insufficient information' (263) and 'National Insurance number did not match that on the electoral registration form' (80).

¹² Correspondence received from Ulster Television, 16 April 2007.

¹³ For more information on party election broadcasts see our report, *Party political broadcasts: report and recommendations*, January 2003.

2.30 A person applying for a postal vote in Northern Ireland must give a valid reason for their application, which may include illness, physical incapacity, absence on polling day due to work commitments, holiday arrangements or having moved outside the locality of their polling place. The statutory deadline for postal vote applications at the Assembly elections was 5pm on Thursday 15 February and for late applications, as a result of unforeseen illness, was 5pm on Tuesday 27 February. Some political parties expressed dissatisfaction at the deadline set for postal vote applications, which in their opinion was set too far in advance of polling day.

2.31 In our previous report on the May 2005 combined elections we gave a commitment to explore the system of postal voting in Northern Ireland given individual registration and the ability of EONI to check personal identifiers. Subsequently, in June 2006 the Commission hosted a seminar which looked at various aspects of the system. Representatives from the main political parties were in agreement that postal voting on demand should not be extended to Northern Ireland and also expressed the view that the electoral process in Great Britain could benefit by introducing tighter controls on postal voting. However, the parties raised concerns about the criteria used for determining who should receive a postal vote and how these, on occasions, were interpreted.

2.32 The Commission received a number of complaints about the postal voting system in the run-up to the elections. Some electors found it confusing and difficult to understand the requirements of postal voting with the result

that their genuine attempts to obtain a postal vote on occasions failed. In several instances electors contacted the Commission to complain that they had received a letter from the area electoral office advising them that their application had been rejected with no further explanation given as to the grounds for rejection. In one case it appeared that a postal vote was refused on the basis that the applicant did not state exactly where their holiday destination was, other than that they would be outside the UK. On other occasions electors claimed to have encountered difficulty in getting a doctor to attest an application within the timeframe while it was alleged that some doctors were charging patients to attest postal vote applications.

2.33 The Chief Electoral Officer has indicated that he is considering recommending to the Secretary of State that postal voting on demand be extended in Northern Ireland but only if anti-fraud measures, including restrictions on proxy voting, were also introduced at the same time. Our public opinion survey found that 70% of those who had a view on the subject of postal voting on demand were also in favour of its introduction. We would support a detailed review of the recommended introduction of postal voting on demand with security, integrity, public confidence, administrative impact and costs being key elements of the review.

2.34 Following the elections the Chief Electoral Officer said he would review the administration of the current system of postal voting, including form design, access and consistency of approach in determining applications. The Commission would support such a review.

Campaign issues

2.35 Throughout the course of the election campaign the Commission received a number of complaints regarding election literature, including that from the established parties, which did not bear an imprint. All posters, placards and bills that make reference to a candidate or party must carry an imprint giving the name and address of the printer and publisher of the material. Failure to do so is a criminal offence. Complaints were also received about election literature and posters which were perceived by some members of the public to be offensive. Given the difficulties highlighted with imprints and election material, the Commission intends liaising further with the police and parties with a view to developing and implementing a protocol clarifying respective responsibilities in this area.

Voter information

2.36 The Commission launched a multi-media public awareness campaign in December 2006 to promote electoral registration ahead of the 11 January deadline. From February 2007 the campaign shifted focus to communicating key voter information such as the photographic ID requirements, polling hours and the voting system. The theme of the campaign was 'Use your vote or lose your voice'. In addition, the Commission ran press advertising to highlight the electoral ID mobile units operated by EONI and the deadline for the return of postal vote applications. The total cost of the Commission's public awareness campaign, which included television, radio and online advertising, outdoor advertising, the operation of a helpline and the production of a public information leaflet was approximately £390,000.

2.37 Tracking research showed that awareness of the Commission's voter information campaigns were high. Almost three-quarters (73%) had seen or heard some advertising or publicity about voting or registering to vote. When shown examples of the advertising the overall recognition increased to 80%. When asked for their opinions on the advertising almost eight in 10 (79%) found it informative. In respect of photographic ID, only 3% of those interviewed were unaware of what types of identification were acceptable and no-one interviewed believed you could vote without any identification. Altogether, over nine in 10 (96%) recognised at least one correct form of photographic ID.

2.38 In the run-up to the elections the Commission operated a freephone helpline. In the period from 5 February to 7 March 2007 the helpline received a total of 1,651 calls, the majority of which were requests for postal vote application forms. On 15 February (the deadline for receipt of postal vote applications) it emerged that the helpline had failed to process a number of postal vote applications. Approximately 150 callers were affected by the error and the vast majority were contacted and advised of the problem. Meanwhile EONI's own advice line handled 7,273 calls in advance of the elections. The Commission is in discussions with EONI about ways in which both organisations could offer a more efficient and effective service to the electorate during registration and elections.

3 Polling day

Improvements in electoral administration are reflected in the voters' experience where nine in 10 (90%) of those interviewed in our post-election public opinion survey said they were either very or fairly satisfied with their overall experience of the elections. These positive views were endorsed by the political parties, candidates, representatives of civic society and the media, none of whom raised any significant issues of concern with the Commission.

Polling stations

3.1 In total, 626 polling places and 1,550 polling stations were in use on polling day. A polling place is a location where more than one polling station may be sited. This compared to 612 and 1,532 in use at the 2003 Assembly elections. The polling station scheme is the responsibility of the Chief Electoral Officer who revises it annually to take account of changes to the availability of premises and other factors. In deciding on the premises to use regard is given to a number of criteria including accessibility for electors, compliance with disability discrimination legislation, availability of car-parking, avoidance of traffic management issues, the perceived neutrality of the venue, attitude of the owners and cost. Altogether, 97% of those interviewed in our post-election public opinion survey said they were either very or fairly satisfied with the general location of their polling place. In respect of signage both inside and outside, levels of satisfaction were high at 88% and 87% respectively.

Observers

3.2 For the fourth consecutive election in Northern Ireland, Commission representatives visited polling stations in all 18 constituencies. All were given a detailed briefing ahead of polling day which outlined their duties and responsibilities. No international observers visited Northern Ireland for the elections as they had previously done in 2003 and 2005.

3.3 The Electoral Administration Act 2006 gives the Commission the power to develop and administer an observer accreditation scheme

for those wishing to inspect electoral processes across the UK. While this was commenced on 31 January 2007 for England, Scotland and Wales, it has yet to be commenced for Northern Ireland. The Commission expects these provisions to be commenced by the Northern Ireland Office in time for future elections.

Polling staff

3.4 In the run-up to the elections EONI launched a high-profile recruitment campaign for poll staff and reduced the required age at which a person could apply to be a Poll Clerk to 16. Altogether 3,700 staff were employed to work on polling day. In the post-election discussion some Area Electoral Officers said that staff drop-out had been an issue and in some instances people who had not received training had to be used as Poll Clerks on polling day. Where this was the case, they always worked alongside other experienced staff. Observers did not report any significant issues with staffing on the day and staff spoken to did not report any difficulties with this issue.

Complaints received

3.5 The vast majority of Presiding Officers (88%) received no complaints from voters and it appears that routine complaints were handled by Poll Clerks. Almost half of the Poll Clerks (48%) said they received complaints from voters during polling day. These were mainly from people who turned up to vote but whose names were not on the electoral register (1,665, equating to 0.24% of the total votes cast) and those who had problems with photographic ID. Access to the polling place and the presence of agents or party workers outside was also a cause for complaint.

Access

3.6 Our reports on the 2003 Assembly elections and 2005 UK Parliamentary and local government elections identified concerns about disabled access at a number of polling places. Feedback from observers and Presiding Officers suggests that while there have been improvements in the provision of access for wheelchair users at polling places, there remain a number of locations where access remains a problem. This includes instances where wheelchair users were forced to use alternative entrances. At one polling place ballot papers had to be brought outside for disabled voters to complete and staff expressed frustration because the problem had been highlighted at previous elections. At another polling place six polling stations were located in a split level room with no wheelchair access between levels. A small number of candidates identified polling places within their constituencies where access was perceived to be a problem, although others noted that provision of adequate access had continued to improve. The results from the public opinion survey established that 82% of those who turned up to vote were either very or fairly satisfied with the suitability of the premises for older people or people with disabilities. Less than one in 10 (7%) were either fairly or very dissatisfied with the suitability.

Information on estimated turnout during polling day

3.7 At previous elections Presiding Officers provided informal information on turnout to candidates and agents throughout polling day. Feedback received from some Presiding Officers in 2003 and 2005 showed that in some

instances candidates and agents sought this information with such regularity that it distracted Presiding Officers from carrying out their statutory duties. Consequently, the Chief Electoral Officer decided that such information would no longer be supplied by Presiding Officers who had no statutory authority to provide it. Observers noted that some Presiding Officers were confused as to whether they could make such information available and felt that the guidance on the matter was unclear.

3.8 Representatives from the political parties criticised the decision to discontinue this practice, and all were in agreement that the provision of information on estimated turnout was helpful, particularly to those parties who did not use polling agents. Concerns were also expressed that the political parties had not been consulted on this decision. At the post-election seminar the Chief Electoral Officer said he would explore alternative methods of disseminating turnout information to the parties in a more coordinated manner.

Electoral identification

3.9 In Northern Ireland all electors must present a valid form of photographic identification at polling stations before being issued with a ballot paper. The valid forms of identification are:

- a current Northern Ireland or Great Britain full driving licence, or a Northern Ireland provisional licence, all of which must bear the photograph of the holder
- a current passport issued by the UK or any other member state of the European Union
- a current Senior SmartPass issued under the Northern Ireland Concessionary Fares Scheme
- a current electoral identity card

3.10 As in 2003 and 2005 Presiding Officers were asked to keep a record of invalid identification documents presented at polling stations on 7 March. In total, 4,161 people turned up to vote without one of the four forms of prescribed photographic ID. Statistics are not available on the number of these electors who subsequently returned to the polling station with valid identification and were able to vote. Of the total number of people who voted, those turning up with wrong or invalid identification accounted for 0.6% of voters. This is a slight increase from the previous Assembly elections, when 3,493 (0.5%) people presented incorrect identification. When the 4,161 is analysed by constituency, Newry and Armagh recorded the highest percentage of voters turning up with invalid identification (9.9%), followed by Fermanagh and South Tyrone (9.3%) and Mid Ulster (7.1%). The constituencies of North Down (2.6%), East Antrim, Belfast East and Strangford (all 3.7%) recorded the lowest rates of invalid identification. Just over 60% of those who were refused a ballot paper had presented out-of-date identification.

3.11 Our public opinion research showed that the overwhelming majority of voters (99%) experienced no difficulties with electoral identification on polling day. The most popular form of identification used was a current UK driving licence (43%), followed by a passport (36%), a Senior SmartPass (11%) and the electoral identity card (10%).

3.12 The Chief Electoral Officer is of the view that electoral identification is no longer a major issue at elections in Northern Ireland. He has further stated that he would be opposed to any significant extension of the permissible forms of identification as this would present practical difficulties to poll staff in terms of coping with additional identity documents. Some political parties have expressed the view, both at these and previous elections, that other travel cards issued by the Department of Regional Development (DRD) should be included. The Commission has previously stated that it would not wish to see any extension to the permissible forms of identification, provided that the electoral identity card continues to be made widely available.

3.13 A number of local councils as well as members of the public raised the permissibility of out-of-date identification. While Presiding Officers were correct in not issuing ballot papers to those with out-of-date identification, the Chief Electoral Officer has said that he is open to reviewing this on the grounds that the purpose of the identification requirements is to allow presiding officers to make a judgement as to whether the person attempting to vote is who they say they are.

Polling agents

3.14 Our reports on the 2003 Northern Ireland Assembly elections and the 2005 combined UK Parliamentary and local government elections identified the behaviour of some polling agents as an impediment to the smooth running of the poll. The historic function of polling agents was to identify cases of personation and bring them

to the attention of the Presiding Officer. To assist them in this task they are allowed to mark off on their copy of the electoral register those voters who have been issued with a ballot paper. This register must not be removed from the polling place during the hours of polling nor any information contained on it be relayed to people outside. All polling agents were issued with guidance and were made aware of Section 66 of the Representation of the People Act 1983, which requires them to uphold the secrecy of the ballot and prohibits information being transmitted outside the polling place. The traditional role of polling agents in Northern Ireland has largely been made redundant with the introduction of photographic ID at polling stations.

3.15 Observers noted that on occasions the presence and behaviour of a small number of polling agents was disruptive, a view endorsed by a number of Presiding Officers and Poll Clerks. In several instances observers noted that they were allowed to sit too close to poll staff with the result that it was difficult to distinguish who was working for EONI and who was working for the party. A number of electors spoken to on polling day assumed that polling agents were actually members of EONI staff and were surprised to learn that they were party representatives.

3.16 A major concern over the role and conduct of polling agents is the transmission of information on who has voted to people outside the polling station in breach of the secrecy requirements. A Senior Presiding Officer advised an observer that he had warned polling agents about attempts to remove information from the polling place. One political party

alleged that polling agents from another party had dispensed with using the register and were using strips of paper showing electors' numbers to record who had voted. It was claimed that these could be more easily removed from the polling place. At the post-election seminar there was a consensus from all the main political parties that the role of polling agents needed to be reviewed and it is understood that the Chief Electoral Officer has already raised the issue with the Northern Ireland Office.

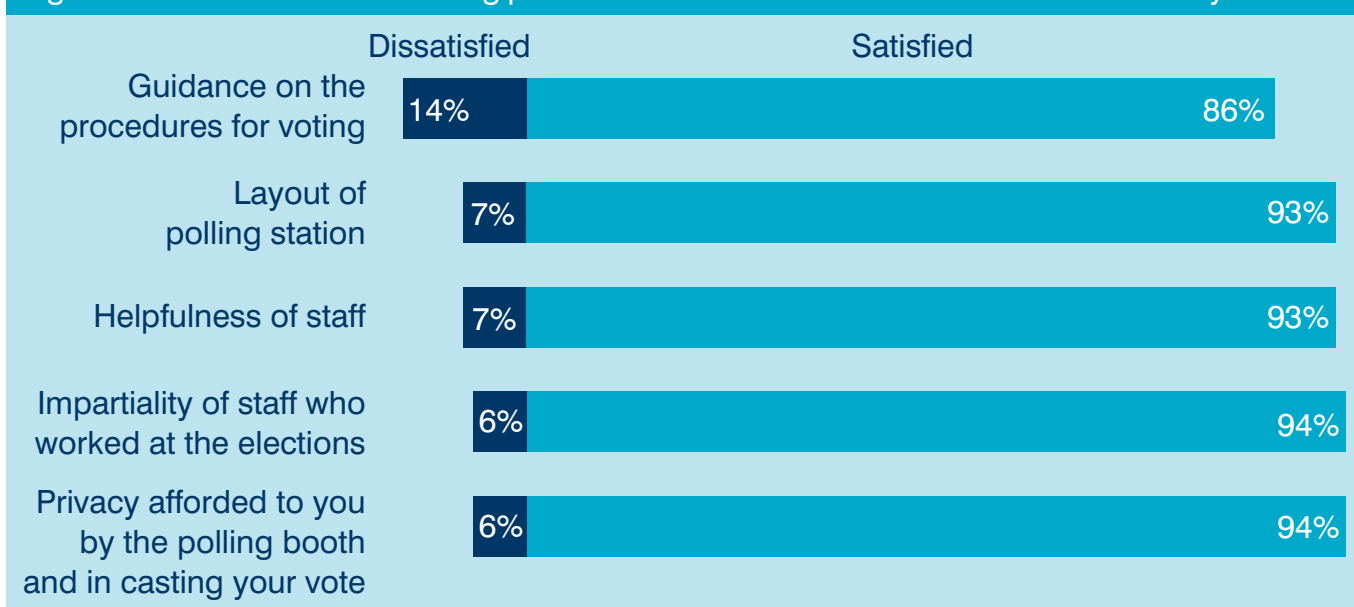
3.17 The Commission is concerned that the attitude and behaviour of a small minority of polling agents continues to disrupt the management of some polling places. It is important that a balance is struck between the legitimate presence of political party representatives within the polling place, the right of voters to cast their ballot in secret and the

need for poll staff to administer the elections in an atmosphere free from intimidation. There is a need for further discussion with the political parties and other key stakeholders about how this balance could be achieved. The Commission would be prepared to facilitate a discussion with the political parties and key stakeholders on the role of polling agents at elections in the UK with a view to finding a consensus on the way forward. Options for discussion could include legislative change, the development of a code of practice for political parties or maintenance of the status quo.

The voter experience

3.18 The Commission's post-election public opinion survey asked the public for its views on a range of issues relating to the elections. The results from the survey show a high level of voter satisfaction with the electoral process as illustrated in Figure 1.

Figure 1: Satisfaction with the voting process at the March 2007 Northern Ireland Assembly elections



In addition, almost nine in 10 (87%) felt the elections were well run by EONI and 90% of voters were satisfied with their overall experience of the elections, a percentage similar to that recorded at the 2003 Assembly elections.

3.19 The public was also asked for its views on the atmosphere inside the polling place. The responses showed that the vast majority of voters thought the polling station was well-ordered (97%), well-managed (95%), relaxed (87%) and good-humoured (65%). These opinions were supported by the results from the Presiding Officer and Poll Clerk questionnaires, which showed slight improvements since 2003, but marked improvements since 2001.

Integrity of the voting process – perceptions of electoral fraud

3.20 The post-election survey asked people for their views about electoral fraud in Northern Ireland. Altogether, 75% of those who responded to the question thought fraud was not an issue on polling day, although one in four (25%) believed it was. More generally, over half (54%) believed that 'electoral fraud is still going on', although almost two-thirds (63%) agreed with the statement that 'the system for registering and voting in Northern Ireland has helped to overcome electoral fraud'.

3.21 It is clear that perceptions of electoral fraud persist among a significant proportion of the general public in Northern Ireland. To some extent this is not surprising given decades of suspicion surrounding the electoral process. However, these perceptions are not borne out by experience of recent elections. At the time

this report was prepared no complaints or allegations of electoral fraud had been raised with the Commission by political parties, candidates or the public. The police had also advised the Commission that they had not received any complaints about electoral fraud on polling day. In respect of postal voting the Chief Electoral Officer referred three cases of possible fraudulent postal votes to the police for investigation prior to polling day.

Policing

3.22 Policing at elections in Northern Ireland has undergone a considerable transformation since the Commission began reporting on elections. Prior to the 2003 elections there was a permanent police presence at all polling places for each election. A new policy regarding the policing of elections was implemented at the 2003 elections and this has been developed. Instead of having a permanent presence, roving police patrols serve a number of polling places and the Senior Presiding Officer at each is given a contact number should they require police assistance. The police advised the Commission that there were no untoward incidents requiring their intervention on polling day.

4 The count

The length of time taken to count the votes at STV elections has been a source of frustration for the electorate, political parties and the media for many years. However, any proposed move to electronic counting will require extensive consultation with the political parties and other key stakeholders. It would be important to ensure that sufficient transparency is built into the system in order to give reassurance to all those involved that the system and processes are fair and trustworthy.

Number of votes cast

4.1 Counts were held at eight venues across Northern Ireland and EONI employed 1,000 count staff. Counting began at 9am on Thursday 8 March and in some cases concluded with a declaration of the results in the early hours of Friday 9 March. In other cases the count was suspended in the late evening of Thursday 8 March and resumed at 9am the following morning. It was not until nearly 6pm on the second day of counting that the final result was declared. In total, 696,538 votes were cast. This compares to 702,249 votes cast at the 2003 Assembly elections and 824,391 votes polled at the 1998 Assembly elections. Published turnout at the March 2007 election was 63%, a figure similar to the May 2005 combined elections and the November 2003 Assembly elections. Altogether, 6,382 ballot papers were spoiled, representing just under 1% of the total cast. This represents a significant improvement on the 2003 Assembly elections when 10,221 votes, equating to 1.5%, were spoiled.

Results

4.2 The Democratic Unionist Party (36) won the largest number of seats followed by Sinn Féin (28), the Ulster Unionist Party (18), the Social Democratic and Labour Party (16), the Alliance Party (7), the Progressive Unionist Party (1), the Green Party (1) and an Independent. Of the 108 MLAs returned, 18 were women, the same number elected in 2003. A candidate from the Alliance Party became the first Chinese politician to be elected to any UK Assembly or Parliament.

Media access

4.3 Previous Commission reports on the 2003 and 2005 elections identified media access to the counts in Northern Ireland as a particular issue. Both the BBC and UTV have in the past criticised the restrictions on access for broadcasters at count centres and contrasted the situation in Northern Ireland with the enhanced access afforded to broadcasters elsewhere in the UK. Significant steps to improve access for the media were put in place by the Chief Electoral Officer ahead of the March 2007 Assembly elections. The BBC advised us that the access allowed to cameras at count centres was considerably better than anything achieved previously and brought Northern Ireland into line with practice elsewhere in the UK. The BBC also commented on the key role played by the Northern Ireland Information Service in the planning of media facilities.¹⁴ A notable innovation at the elections was the introduction by the BBC of a results text service to mobile phones. This was a first at a UK election and although the service was promoted for little more than 24 hours it attracted 8,500 subscribers. In the satisfaction survey conducted by the BBC the service was rated as good or very good by 85% of respondents.

Proposed move to electronic counting

4.4 The complex nature of STV counts where the transfer value of votes have to be calculated means that they can take a considerable amount of time and have been known to last for up to two full days. This has been the source of some

frustration for political parties and the media for a number of years. Responses received from the survey of candidates and agents were almost unanimous that the counting process was too slow, although there was a recognition that this was unlikely to change as long as manual counting was employed. In our report on the 2003 Assembly elections we stated that it would be beneficial to explore 'the use of innovative counting technology'.

4.5 There are a number of potential advantages to electronic counting at STV elections, including improved accuracy, consistent application of the regulations governing counts, improved efficiency and quicker results. However, any move to electronic counting would need to ensure that the system is fully transparent in order to provide reassurance to all those involved that the processes are accurate, fair and trustworthy. A move in this direction will require extensive consultation with the political parties and other key stakeholders.

¹⁴ Correspondence received from the BBC, 23 April 2007.

Appendix A

Electoral administration in Northern Ireland

The arrangements for electoral administration in Northern Ireland are different from elsewhere in the UK. The system in Northern Ireland is administered centrally by a Chief Electoral Officer, who is a statutory office holder independent of government. He is supported by staff of the Electoral Office for Northern Ireland, the administrative structure created to support him in the discharge of his duties. The Chief Electoral Officer is both the returning officer and registration officer for all elections in Northern Ireland. The duties and the responsibilities of the Chief Electoral Officer are conferred on him by the Electoral Law Act (Northern Ireland) 1962 (as substituted by Article 6 of the Electoral Law (Northern Ireland) Order 1972) and the Northern Ireland (Miscellaneous Provisions) Act 2006. The Northern Ireland Office's Accounting Officer is accountable to Parliament for all expenditure incurred by the Chief Electoral Officer.

Role of the Chief Electoral Officer

The Chief Electoral Officer has summarised his duties as follows:

- acting as registration officer for all constituencies in Northern Ireland
- acting as returning officer for all elections and referendums in Northern Ireland
- recommending to the Secretary of State for Northern Ireland by 16 April each year whether or not a registration canvass should be conducted
- acting as an assessor to the Boundary Commission for Northern Ireland
- acting as an assessor to the Local Government Boundaries Commissioner
- leadership and management of the Electoral Office for Northern Ireland

The Chief Electoral Officer is required to report to the Secretary of State on an annual basis as to how he has discharged his functions, including those as Registration Officer. Section 4 of the Northern Ireland (Miscellaneous Provisions) Act 2006 lists the Chief Electoral Officer's relevant registration objectives as follows:

1. that every person who is entitled to be registered in a register is registered in it
2. that no person who is not entitled to be registered in a register is registered in it, and
3. that none of the required information relating to any person registered in a register is false

Section 9(2) of the Act further requires him to include in his report an assessment of the extent of which the relevant registration objectives in Northern Ireland have been met in the year to which the report relates.

Role of the Secretary of State for Northern Ireland

In Northern Ireland electoral matters are excepted, meaning they have not been devolved to the Northern Ireland Assembly. The Secretary of State is responsible for electoral law and policy, including:

- maintaining the legal framework that is necessary for elections to the European Parliament, the UK Parliament, the Northern Ireland Assembly and to local councils
- funding the Chief Electoral Officer
- providing staffing and other resources necessary to maintain the Boundary Commission for Northern Ireland
- consulting as necessary with the Chief Electoral Officer and the Electoral Commission on legislation and policy proposals

Appendix B

Election funding

The Chief Electoral Officer sought and was provided with a budget of £2.7m to cover the cost of running the Assembly elections. The main areas of anticipated expenditure were as follows:

Table B1: Breakdown of anticipated expenditure in the administration of the March 2007 Northern Ireland Assembly elections

| Area of expenditure | Expenditure incurred (£ thousands) |
|---|------------------------------------|
| Staff costs | 1,200 |
| Freepost | 943 |
| Printing of ballot papers and other documents | 100 |
| Transport and storage of ballot boxes and other equipment | 145 |
| Hire of premises | 75 |
| Other postage | 57 |
| Sundry expenses | 180 |
| Total | 2,700 |

Source: EONI.

This equates to £3.87 for each person who voted on 7 March. The Chief Electoral Officer has said that the level of funding made available to him was sufficient for the proper conduct of the elections and that the actual cost is likely to be close to the budget figure of £2.7m.

Appendix C

Statistics

Table C1: Turnout at the March 2007 Assembly elections by constituency

| Constituency | Turnout (%) |
|----------------------------|-------------|
| Belfast East | 60.0 |
| Belfast North | 61.0 |
| Belfast South | 62.4 |
| Belfast West | 67.4 |
| East Antrim | 53.5 |
| East Londonderry | 61.0 |
| Fermanagh and South Tyrone | 71.2 |
| Foyle | 64.0 |
| Lagan Valley | 60.0 |
| Mid Ulster | 73.1 |
| Newry and Armagh | 71.0 |
| North Antrim | 61.3 |
| North Down | 54.0 |
| South Antrim | 59.0 |
| South Down | 65.0 |
| Strangford | 55.0 |
| Upper Bann | 61.1 |
| West Tyrone | 72.0 |
| Total | 63.0 |

Source: EONI. For full details of statistics relating to recent elections in Northern Ireland go to www.eoni.org.uk.

Table C2: Comparison between turnout and proportion of voting age population (VAP) at elections in Northern Ireland 1994 to 2007

| Year | Election | Published turnout (%) | % Estimated VAP | Difference % |
|------|------------------------|-----------------------|-----------------|--------------|
| 2007 | NI Assembly | 63.0 | 53.3 | 9.7 |
| 2005 | UK Parliamentary | 63.5 | 57.4 | 6.1 |
| 2005 | Local government | 63.0 | 57.0 | 6.0 |
| 2004 | European Parliamentary | 51.7 | 44 | 7.7 |
| 2003 | NI Assembly | 64.0 | 56.2 | 7.8 |
| 2001 | UK Parliamentary | 68.0 | 66.0 | 2.0 |
| 2001 | Local government | 68.7 | 65.4 | 3.3 |
| 1999 | European Parliamentary | 57.7 | 56.4 | 1.3 |
| 1998 | NI Assembly | 70.0 | 67.9 | 2.1 |
| 1998 | Referendum | 81.1 | 78.5 | 2.6 |
| 1997 | UK Parliamentary | 67.1 | 65.9 | 1.2 |
| 1997 | Local government | 55.1 | 53.9 | 1.2 |
| 1996 | Forum | 64.7 | 63.1 | 1.6 |
| 1994 | European Parliamentary | 49.4 | 48.4 | 1.0 |

Source: EONI, Northern Ireland Census 2001 and Northern Ireland Statistical Research Agency mid-year estimate updates.

Table C3: Summary of postal ballot papers issued, returned and rejected

| Constituency | Total postal ballots issued | Number returned | % return | Number rejected | % rejection rate |
|----------------------------|-----------------------------|-----------------|-----------|-----------------|------------------|
| Belfast West | 855 | 681 | 80 | 84 | 12 |
| Belfast East | 443 | 363 | 82 | 31 | 9 |
| Belfast South | 450 | 385 | 86 | 31 | 8 |
| South Down | 1,364 | 1,162 | 85 | 93 | 8 |
| Belfast North | 481 | 387 | 80 | 28 | 7 |
| Lagan Valley | 820 | 676 | 82 | 45 | 7 |
| Upper Bann | 813 | 687 | 85 | 43 | 6 |
| North Antrim | 988 | 816 | 83 | 50 | 6 |
| South Antrim | 602 | 509 | 85 | 29 | 6 |
| Newry and Armagh | 1,240 | 1,058 | 85 | 58 | 5 |
| West Tyrone | 2,404 | 2,138 | 89 | 114 | 5 |
| Fermanagh and South Tyrone | 3,418 | 3,053 | 89 | 156 | 5 |
| Mid Ulster | 2,211 | 1,960 | 89 | 92 | 5 |
| North Down | 406 | 320 | 79 | 13 | 4 |
| East Londonderry | 990 | 832 | 84 | 32 | 4 |
| Foyle | 1,319 | 1,115 | 85 | 40 | 4 |
| Strangford | 556 | 452 | 81 | 16 | 4 |
| East Antrim | 463 | 387 | 84 | 10 | 3 |
| Total | 19,823 | 16,981 | 86 | 965 | 6 |

Source: EONI.

The Electoral Commission

We are an independent body set up by the UK Parliament. Our aim is integrity and public confidence in the democratic process. We regulate party and election finance and set standards for well-run elections.

Democracy matters

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