



Northern Ireland
Assembly

Committee for the Office of the First Minister
and deputy First Minister

OFFICIAL REPORT (Hansard)

Electoral Registration in Northern Ireland:
Electoral Office for Northern Ireland Briefing

23 January 2013

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mrs Brenda Hale
Mr Alex Maskey
Ms Bronwyn McGahan
Mr George Robinson

Witnesses:

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| Ms Jocelyn McCarley | Electoral Office for Northern Ireland |
| Mr Graham Shields | Electoral Office for Northern Ireland |

The Chairperson: I welcome the Chief Electoral Officer, Mr Graham Shields, and his deputy, Ms Jocelyn McCarley. No doubt your ears have been burning for the past number of minutes. Graham, would you like to make some opening remarks and possibly include a response to what you just heard?

Mr Graham Shields (Electoral Office for Northern Ireland): Thank you very much, Chairperson and members. It is good to have the opportunity to speak to the Committee about these issues. I am accompanied by Ms Jocelyn McCarley, who, as the Assistant Chief Electoral Officer, is my deputy. I hope that you all received a copy of our briefing paper. Hopefully, it provides a context for some of the issues that are addressed in the Electoral Commission's report, and it also includes my general response to those issues.

I welcome the Electoral Commission's report. It is the first real opportunity that we have had to assess the comprehensiveness and accuracy of electoral registration that is based on the continuous registration system.

The continuous registration process was legislated for and came into being in 2006, but the first data-matching processes did not start until 2008. To that extent, it has only really been up and running for the past five years. During that time, there has not been a proper objective test of how well the system has worked. It was tested by the Electoral Commission in early 2008 when the process had just started and not long after the previous canvass. To that extent, it was not a real test of how well the process worked.

Generally, we have been disappointed by the findings in the Electoral Commission's report. We are surprised at how poorly it has come out. As I said, there has been no objective measure for testing the accuracy or completeness of the register. The anecdotal evidence that we had and to which Anna referred, from the 2011 Assembly elections showed that 668,000 people turned out to vote and only 691 people were turned away and could not vote because they were not on the register or their details were not accurate. Similarly in the 2011 elections, just over 3,000 polling cards were returned because they had not reached the right address or the right person. So, to us, that did not indicate a substantial problem. Nonetheless, I recognise that there is an issue, and we will take action to address it. I will refer to that briefly.

I should say that the process of continuous registration is ongoing. It has evolved over the years that it has been in place, and Electoral Office staff undertake a significant volume of work throughout the year to pursue it. For example, there are 160,000 to 170,000 changes to the register every year. Staff issue to the public about 190,000 letters requiring updates of information on the basis of the data that we receive from our data sources. There is a significant problem with the non-response rate, whereby people ignore the letters. People can be threatened with prosecution, which, indeed, they are, and can be fined up to £5,000. One case has been tested in court, and the person concerned was fined 1p. Therefore, the courts did not take a very serious view of the matter. I do not think that prosecuting people is the way to address non-compliance. I think that we have to look at different ways of getting people to engage in the process. That level of non-response, which could be anything up to 80,000 people in a year, indicates, as was said, that a significant body of people have just decided that they do not want to be part of the political process any more. They do not want to engage in politics, and they do not go out to vote. That is borne out by the figures that we saw at the previous Assembly election, where the turnout rate of 54% to 55% was a drop, just as rates over the past number of elections were. It is also borne out by the small number of people who, when they did go to vote, were not actually able to. So, there must be body of people out there who have just disengaged completely from the process.

Going forward and taking on board the recommendations that were made in the commission's report, I have recommended to the Secretary of State that a canvass should take place in the autumn of this year. That is the first and foremost big piece of work that needs to be done.

I think that we also need biennial checks in recording an Electoral Commission assessment of the accuracy and completeness of the report on an ongoing basis until we are satisfied that things are the way that we would like them to be.

In future non-canvass years, there needs to be targeted research and targeted fieldwork that is aimed at getting more people on the register. Again as has been said, there is a particular problem with young people, that is, those who leave school at 16 and just go off the radar, with the result that we lose track of them.

We also need to look at long-term, well-resourced and funded public-awareness work. That could be along the lines of what is done on drink-driving, but it should certainly give registration and participation in the process some kind of a profile that it does not have at the minute. This issue becomes very much in vogue around the time of an election, and, after that, it all just disappears. However, I think that it is incumbent on all of us to keep up the profile of this as an issue.

As has also been said, some of the recommendations in the report relate to a review of our data-matching processes. I have commissioned a piece of work to look at how efficient our data-matching processes are, at how they could be improved, and at what additional sources, if any are out there, could be used and taken on board to help with this. I should also say that we are working very well with colleagues in the Northern Ireland Statistics and Research Agency, who very much have similar issues. They are working towards a paperless census eventually. We have had some help from them on the data-matching issues. We will not be able to share information properly with them until legislation is put in place, which will hopefully be later this year. When we get it through, that will hopefully assist us in improving the accuracy and comprehensiveness of the register.

The Chairperson: Thank you very much for your opening remarks. I will come to the report in a second. To be clear, you said that you do not believe in prosecution. Why did you prosecute?

Mr Shields: It was not actually me who prosecuted but my predecessor. I do not want to speak on his behalf, but I imagine that Douglas's reasoning was that getting a profile of the issue in the courts might help. That turned out to be counterproductive, because the court fined the person only one penny.

The Chairperson: You are very critical of that judgement.

Mr Shields: I do not think that it sends out a very positive message. There is no power of prosecution in the rest of the United Kingdom. In Great Britain, a system of individual electoral registration that is similar to what we have here is being introduced, and prosecution has not been legislated for in that. A fixed-penalty notice system has been allowed for, whereby people who do not comply at the end of a process may be given a fixed-penalty notice and fined £100 or something like that.

The Chairperson: You also say that you are disappointed with the report.

Mr Shields: I am disappointed, but not with the report. If that is how it came over, that is not what I meant. I am disappointed that the findings are so poor.

The Chairperson: OK. Do you accept all the recommendations?

Mr Shields: Absolutely, yes.

The Chairperson: Do you think that you have done anything wrong?

Mr Shields: I will defend the actions of the staff, who I think have worked extremely hard and do their best. The staff work hard to get people on to the register. We operate within the processes that are set in law. The law has set various checks and balances within which we must operate, and we cannot deviate from that. To that extent, I think that all of us could collectively say that we have done our best. I am not saying that it is a perfect system. It needs to be improved, and hopefully the work that is now ongoing will assist with that. However, it is fair to say that the staff in the organisation have collectively done their best to make the system work.

Ms Jocelyn McCarley (Electoral Office for Northern Ireland): Where we perhaps went wrong was that although the system started in 2006, it was not until 2008 that we got the legislation to get information from other data sources. That meant that there was already a two-year gap before we were getting more information to tell us when people should be added to the register because they had moved or whatever. That was a problem. Obviously, as Graham said, the system is evolving. So, we discover all the time that Her Majesty's Revenue and Customs' records, for example, are much better than when we first looked at them. It is a process, and we are learning. On that side of things, we just have to keep up to date with what is going on.

The Chairperson: Do you accept the premise that data are available but are just not necessarily accessible to your organisation?

Ms McCarley: No, we have very good data sources. First, we get the information from the schools and further education colleges, and we use that every year. We get information on a quarterly basis from the Business Services Organisation, which is the administrative support for the health services. So, if you changed your address with a doctor, dentist, pharmacist or optician, that information is flagged on their system and we are told about it. We use that, and as Graham said, we write over 190,000 letters to people saying, "We understand that you have changed your details. Could you please complete the enclosed registration form?" We monitor the responses and send a reminder saying, "We wrote to you. We still have not received a response." We do not get a very good response. We get information from the Department for Work and Pensions, so we get the details of people who are aged 16 and over and who have a Northern Ireland postcode. So, we get a lot of information.

The Chairperson: If you have access to all those databases, it is even more extraordinary that you are recording inaccuracy rates of over 20%.

Mr Shields: The problem is that people will not respond. We write to people, but they do not respond to the letters. The next progression is to send people out to rap doors, but we do not have the money available to do that. It is quite an expensive undertaking to go out and rap doors and maybe have to go back two or three times. Although the legislation, when it was put in place in 2006, allowed for canvasses once in every 10 years, I think that process needs to be a lot more frequent.

The Chairperson: Just before I pass over to Chris, do you know whether there has been any trend in voter registration since the beginning of December?

Mr Shields: We have certainly had requests for registration clinics. In the past week or so, I have written to all the parties and invited them to make requests for registration clinics over the course of February and March.

The Chairperson: Anything unusual in the past six weeks?

Mr Shields: It is probably fair to say that there has been an increase in the number of requests for registration clinics.

Mr Lyttle: I think there have been a few registration clinics in east Belfast. That is a positive thing. I do not know whether it is in your gift or any office's gift, but is there a possibility that celebrities or personalities could be used in a Northern Ireland Rock the Vote campaign to try to assist that effort?

Mr Shields: Again, that comes down to public awareness. If that could be done, I would absolutely be all for it. I do not know much about Rock the Vote, but I think it is based on a volunteering principle. It works well in America. I just wonder how well it would work here. I would be concerned that it could end up being divided along community lines. I could see that being an issue. If we were going to do anything, it would have to be completely non-partisan. You would have to have a body of people who are prepared to give their time to participate and volunteer.

Mr Lyttle: I think one of its key founding principles is non-partisanship. You absolutely would have to stick to that route. It is maybe something to have a think about.

Mr Maskey: Thank you, Graham and Jocelyn, for your presentation. I talked earlier about ethos, and made some criticism of what happened in the past. That was primarily about the past, but there are still issues. I acknowledge that it has been a bit of a mixed bag, because some very good things have happened over the years. I have been involved in voter-registration campaigns and have worked with the Electoral Office in recent years to get photographic booths and clinics set up in community facilities. I would recommend that to people as helpful. It is about taking that extra step to go to communities to get them on the register.

I do think there is a bit of a prevailing legacy. A lot of people still think that it is an impossible task, that you are asked too much information or that it is complicated. People have sent in forms only to get them knocked back. If that happened in a family five or 10 years ago, it will still register with that family that there is a problem there. It is not always seen as easy. I appreciate entirely that things have changed for the better, although we still have some distance to go. There is a bit of an effort still to be made to make sure people are aware that they are entitled to vote and should get on the electoral register. A number of initiatives are required to make that happen.

You said that you welcomed the report and have taken on board the recommendations, and added some yourselves. Would your office not have seen the patterns emerging? You are the people directly dealing with those things, but it took the commission to come in and say that a problem has been developing over the past number of years. Are there mechanisms by which you would be identifying those problems?

Ms McCarley: We thought an indicator would have been people being unable to vote when they went to the polling station because they were listed at the wrong address or were not on the register. That did not happen, according to the statistics. As for returned post, we send 190,000 letters a year and we post out poll cards. If the addressee had gone away, post would have been returned by Royal Mail. We were not getting large volumes of post returned. That is why we are disappointed with the results, because we really did feel that things were fine. We had not had reports from any political parties to say that there was something wrong with the register, and so on. That did not happen. We did not have any indicators. I cannot think of any other thing we could have measured it by. To be honest, we really should not be measuring the work we are doing; that really would be better coming from an independent source.

Mr Shields: That is why the commission should come in and check, at least every two years or so. It should do the fieldwork and see just how good it is. That is the only real objective way of checking how good it is.

Mr G Robinson: Thanks for the presentation. I think that the last election threw up quite a lot of problems. In our area, there were two elections on one day, and there was an awful lot of confusion. I know that some of your people have been with us for the past few months, and we highlighted those sorts of issues to them. Have any lessons been learned from that or will lessons be learned for 2014, when the next elections are due to take place?

I want to make another point. I do not have a wrong word to say about the staff in the Londonderry office. They are co-operative and very helpful, and that has been the case for the past few years.

Mr Shields: First, thanks very much for your kind words about the staff. Going back to something that Alex said about attitude, I would be very surprised if anybody has been faced with a negative attitude from staff or if there has been any resistance or barriers to people trying to register. I am very keen to get people on to the register and to make that as easy as possible, and the staff hopefully feel the same.

I am sorry; I am going off a wee bit, but I will come back to your point. The broader issue for politicians to address is the checks and balances in place for this system of registration. Can that be relaxed in a way that everybody can live with, while still maintaining confidence in the integrity of the register? That is a wider issue.

As regards the elections, there were actually three polls last year. It was — I will use this word — "challenging" and was not without its difficulties.

Mr G Robinson: Disaster.

Mr Shields: Well, actually —

The Chairperson: Now, George, you must be over it by now.

Mr G Robinson: No.

Mr Shields: The important thing is that accurate results were delivered at the end of the process. I think it would have been a disaster had we been faced with electoral petitions because people were challenging the results and the outcomes, but that did not happen because the results were accurate, which is the most important thing.

The issues last year were primarily to do with the length of time taken to complete the count. As I said at the time, single transferable vote (STV) elections take a long time to conclude. Certain things could have been done better. I am not going to sit here and tell you that everything was perfect; it was not, particularly around the verification process. However, if we maintain the manual count for future STV elections, it will always take a long time. We would be doing very well if we completed an STV count in a constituency in one day. It generally runs into a second day. The only thing that we can do to change that is look at something like electronic counting. We held a demonstration in City Hall last May, following our attendance at the Scottish local government elections count where they used e-counting. That worked very well, with some of the counts completed within five hours, and all of them completed within about eight hours.

There is no good reason why we cannot have a similar system here. Yes, it will probably cost a bit more money. It depends on whether people are prepared to accept that it might cost a bit more for the benefit of having the count completed in a much quicker time. I have made a recommendation on that to the Secretary of State, and I understand that a consultation paper will be issued to parties. So, we will see where this goes.

Mr G Robinson: To go back to the three elections on one day: quite honestly, I think that that put quite a lot of people off voting.

Mr Shields: Well, we just do what we are told.

Mr G Robinson: I appreciate that.

Mr Shields: If we are told that something has to happen, we just have to try to make it work, and obviously I want to try to make it as efficient as possible. If we could get e-counting in place, I think that that would give the whole thing a significant boost.

Mr Maskey: I want to come back in on what Graham said. I was not suggesting that every member of your staff was hostile to elected members. However, in my view and experience — I have been involved in elections for 30 years — the ethos of the system was, "You are all suspects here, so we are going to find ways of keeping you out". It was like door staff from years ago who thought that their job was to keep people out of premises instead of getting them in and keeping everybody safe and orderly. A different ethos was involved, but that has improved quite significantly.

Mr Shields: I can understand that perception. From the point of view of staff, they have to follow the rules, and if they deviate from them, then, you know. There is no room for ambiguity in how stuff is interpreted; it is either black or white. However, there is certainly a lot to be said in how a message is delivered and how you deal with people.

The Chairperson: Graham and Jocelyn, thank you both very much.