

Local Government and Public Services Committee

LGPS(2)-09-05(p.3)

Date: Thursday 13 October 2005

Venue: Committee Room 2, National Assembly for Wales

Title: Electoral Administration Bill

Purpose

1. To inform the committee of the (proposed) contents of the Electoral Administration Bill, timetabled to be introduced to Parliament on 11 October.

Recommendations

2. This paper is for information only. The Bill is intended to incorporate proposals affecting the administration and regulation of elections in the UK.

Background

Proposed content of the Bill

Co-ordinated Online Record of Electors

3. The Bill is expected to contain provisions for the establishment of one or more Co-ordinated Online Record of Electors (CORE) schemes. A CORE scheme would consolidate into a centralised record for the area covered by the scheme all of the electoral registers and related information maintained by the local electoral registration officers in that area.

4. A CORE scheme would be run by a keeper. The keeper, who could be the Electoral Commission, would be designated by the Secretary of State. Whilst the detail of how it would operate would be set out in a scheme itself, electoral registration officers ("EROs") would be under a duty to supply the information in their registers, as well as other specified electoral registration information, to the keeper. A keeper would be required to inform the relevant ERO of information indicative of duplicate entries. A scheme could permit the keeper to provide electoral registration information to organisations currently entitled to be provided with a copy of electoral registers by electoral registration officers under other legislation, as well as govern access to the consolidated record. A scheme may also permit individual

electors to access CORE online for the purposes of checking and updating their entry on the register.

Registration of electors

5. The Bill is expected to develop the provisions governing the registration of electors in a number of ways.

- imposing a duty on registration officers to do all they can to register eligible electors, setting out the steps that should be taken to maximise registration.
- establishing a scheme of anonymous registration for people for whom the publication of name and address on the electoral register would pose a threat to safety.
- providing for the moving of the closing date for registration closer to the date of the poll, and for the correction of clerical errors and changes following court decisions to be made up to and including polling day.
- empowering a registration officer to determine, after registration, that a person's entry in the register should be removed. It is also likely to extend the provision for public objections to registration so that such objections may also be made after a person has been registered as an elector, not just before registration.

Anti-fraud measures

6. The Bill is likely to extend the application of provisions requiring the provision, storage and use of 'personal identifiers' from Northern Ireland to Great Britain, with some specified differences. Personal identifiers in Great Britain are specified as signature and date of birth in the first instance, and would need to be supplied when registering to vote and when voting.

7. There is also likely to be a new offence of providing false information for the purposes of registration or when applying for a postal or proxy vote.

Review of polling places

8. The Bill is expected to establish a framework for local authorities to review polling places regularly over a four-year cycle to ensure that they provide proper access to people.

Standing for election

9. The Bill will probably reduce the minimum age for candidacy for election to Parliament and to other specified elected bodies from 21 to 18.

10. In addition, it is expected to specify new requirements as to the immigration status which Commonwealth citizens must have in order to qualify for election.

11. It is likely to make changes to the nomination procedures including:

- giving returning officers a specified period for determining the validity of nomination papers and publishing the statements of nominated candidates;
 - introducing new means of paying the deposit required to stand as a candidate, enabling credit and debit cards to be used;
 - conferring power on the returning officer to make correction to minor errors in nomination papers;
 - entitling independent candidates to include a description on their nomination papers and on the ballot paper;
- reducing the threshold at which a candidate's deposit is forfeited from 5% of votes cast to 2%.

Conduct of elections

12. It is proposed that the Bill will make provision on several topics relevant to the conduct of elections.

13. It will probably make amendments regarding third party expenditure, interpreting electoral expenses and will also list matters which might give rise to a candidate incurring an expense, as well as clarifying general exclusions which would not be considered an election expense.

14. It is expected to introduce a system for the attendance of representatives of the Electoral Commission and other authorised observers at elections.

15. It should add to the circumstances in which a voter is permitted to give a tendered vote at a polling station.

16. It is also likely to create a new offence of applying for a postal or proxy vote with the intention, in effect, of stealing another person's vote. This could be by a person personating another elector or by wrongfully redirecting another elector's postal vote.

17. Also anticipated are new provisions governing the custody, inspection and supply after an election of the marked registers used at polling stations and marked lists of returned postal and postal proxy votes.

18. It will probably introduce a power for returning officers to remedy erroneous acts or omission by themselves or others involved in the conduct of the election.

Regulation of parties

19. The Bill is expected to contain provisions on several topics relevant to the regulation of parties:

- registration of parties;
- political party descriptions;
- confirmation of registered particulars;
- removal from register of registered parties;
- time for registration of parties fielding candidates.

20. Such provisions would:

- allow additional time for parties to deliver their unaudited accounts to the Electoral Commission;
- increase time limits for payment of campaign expenditure;
- reduce the reporting requirements on parties who receive low level or no donation, by removing the need for repeated reporting of nil returns for donations.

Other provisions

21. Other topics likely to be covered include some provisions on:

- the funding of election services;
- encouraging electoral participation;
- criminal proceedings.

22. Provisions would establish the setting of performance standards by the Electoral Commission and for reports to be made on such standards and information to be provided about expenditure. It is expected to amend existing legislation governing the funding of services and expenses of returning officer. It should also introduce a new power for returning officers and electoral registration officers to encourage the participation of electors in the electoral process.

23. The time limit for bringing prosecutions will probably be extended by a magistrates' court from 12 months to 24 months following an application from constable or Crown Prosecutor. The time limit for relevant documents to be kept is expected to be extended from 12 months to 24 months.

24. The Bill is likely to disapply section 24A of the Police and Criminal Evidence Act 1984, which would have the result that only a police constable may arrest without a warrant a person suspected of personation in a polling station.

Consideration

25. Members are invited to note the contents of this paper

Compliance

26. There are no compliance issues associated with the contents of this paper.

Financial implications

27. None.

Sue Essex AM

Minister for Local Government and Public Services