

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Second Delegated Legislation Committee

DRAFT LOCAL ELECTIONS (NORTHERN
IRELAND) (AMENDMENT) ORDER 2020

DRAFT REPRESENTATION OF THE PEOPLE
(ELECTRONIC COMMUNICATIONS AND
AMENDMENT) (NORTHERN IRELAND)
REGULATIONS 2020

Monday 8 June 2020

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The Committee consisted of the following Members:

Chair: MR PHILIP HOLLOBONE

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| † Anderson, Lee (<i>Ashfield</i>) (Con) | † Millar, Robin (<i>Aberconwy</i>) (Con) |
| † Butler, Rob (<i>Aylesbury</i>) (Con) | † Paisley, Ian (<i>North Antrim</i>) (DUP) |
| † Chamberlain, Wendy (<i>North East Fife</i>) (LD) | † Sambrook, Gary (<i>Birmingham, Northfield</i>) (Con) |
| † Clarke-Smith, Brendan (<i>Bassetlaw</i>) (Con) | † Smyth, Karin (<i>Bristol South</i>) (Lab) |
| † Dines, Miss Sarah (<i>Derbyshire Dales</i>) (Con) | † Timms, Stephen (<i>East Ham</i>) (Lab) |
| † Elmore, Chris (<i>Ogmore</i>) (Lab) | † Walker, Mr Robin (<i>Minister of State, Northern Ireland Office</i>) |
| † Fell, Simon (<i>Barrow and Furness</i>) (Con) | |
| † Griffith, Andrew (<i>Arundel and South Downs</i>) (Con) | Dominic Stockbridge, <i>Committee Clerk</i> |
| † Hughes, Eddie (<i>Walsall North</i>) (Con) | |
| † Jones, Ruth (<i>Newport West</i>) (Lab) | |
| Lloyd, Tony (<i>Rochdale</i>) (Lab) | † attended the Committee |

Second Delegated Legislation Committee

Monday 8 June 2020

[MR PHILIP HOLLOBONE *in the Chair*]

Draft Local Elections (Northern Ireland) (Amendment) Order 2020

6 pm

The Chair: Here is the Minister—just in time.

The Minister of State, Northern Ireland Office (Mr Robin Walker): I beg to move,

That the Committee has considered the draft Local Elections (Northern Ireland) (Amendment) Order 2020.

The Chair: With this it will be convenient to discuss the draft Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2020.

Mr Walker: It is a pleasure to serve under your chairmanship, Mr Hollobone. I apologise to the Committee for arriving a few moments into the sitting, having just come from a Division down the corridor. With your permission, we are taking both these election-related statutory instruments together. I hope that as neither is particularly contentious, we will not detain the Committee too long.

The draft Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2020 will amend the existing legislative framework for canvass in Northern Ireland to allow electors to respond to the canvass digitally, using the existing online registration system. Registration applications and canvass returns require substantially the same information, but because online registration is a relatively new development in Northern Ireland, our existing canvass regulations do not allow the use of electronic returns.

The Northern Ireland canvass is not an annual event and is not as light touch as it is in Great Britain. When a full canvass is conducted in Northern Ireland, it is not sufficient for an individual to note that their registration details have not changed; each individual must complete a full registration application or canvass form.

It makes sense that the law is now changed to allow the chief electoral officer to accept registrations made on the UK online registration system rather than requiring all individuals to fill out a paper application form. It is worth noting that online registration is already hugely successful and popular in Northern Ireland. The option to register online was extended to Northern Ireland in 2018, and since then over 80% of people registering have chosen to register using the digital service, rather than using a paper form. That compares favourably with Great Britain, where the most recent figure was about 75% of applicants using the online service.

However, I can reassure hon. Members that people will not be required to use the digital system. Nothing in this legislation will remove the paper-based canvass regime that we have always used, and that system will remain for those who wish to use it. Nevertheless, we know that a growing majority of people now expect to be able to interact with public services online. These regulations allow people the option of using the online registration service if they wish to do so.

Ian Paisley (North Antrim) (DUP): Does the Minister agree that for these provisions to really take good effect, what has to follow them is investment in our electoral offices around the country? I am talking about investment in training of staff, in access to staff and in more telephone availability when people ring up with queries. The Minister is absolutely right that the measures have been a partial success, but there have been glitches. It is important that those glitches be ironed out, and they cannot be ironed out on the cheap, but only with investment in our electoral offices.

Mr Walker: The hon. Gentleman makes a powerful point. Of course we need to ensure that these services are properly supported. I will come to the fact that of course part of what these reforms will achieve is to make the service more efficient. That should in itself release funds for the investment that he speaks about.

These changes make administrative sense. The register for Northern Ireland stands at 1.3 million people, and not having these regulations allowing people to use the online service to register would mean posting out 1.3 million paper forms with return post envelopes—a huge undertaking. Reducing the number of forms issued will save money, streamline the administrative process and save a good deal of wasted paper.

Importantly, the changes will make canvass more efficient and allow the chief electoral officer and her staff more time to focus on encouraging under-registered groups to engage with canvass and get on the register. I hope hon. Members agree that the changes, which will make it easier for people to register, allied to increased efficiency, are very welcome.

The draft regulations make provision for a slight amendment to the stages to be undertaken by the chief electoral officer as part of the next canvass, which will take place in 2021. Under the new provisions, a new first step will apply in the canvass process. From no earlier than 1 July in a canvass year, the chief electoral officer will send out a leaflet to all homes explaining the importance of canvass and asking people to go online and register. It will also explain that forms will be posted shortly for those who want to apply on paper. In this way, we hope to encourage a good many of the public to simply register online.

Following that first leaflet, the usual chasing cycle of canvass will proceed as it has previously. Addressed forms will be sent to every individual who has not already responded, chasing letters will be issued and, finally, canvassers will be sent door to door to non-responders. Every effort will be made to explain the importance of being on the register and to capture as many registrations as possible.

I should also say that current legislation allows the chief electoral officer to retain on the register, for up to three years, individuals who fail to respond to canvass, if she is content that data-matching shows their details

have not changed. That provision was originally for a two-year retention after the 2013 canvass, but it was extended to three years to cover the 2016 Assembly election. The regulations move the retention period back to the original two years.

In addition, the regulations also make a number of more minor technical amendments in relation to canvass, such as ensuring that an individual's unique digital registration number is issued or reissued, as appropriate, to people registering for the purpose of canvass.

Finally, the regulations also make a small technical amendment in relation to recall provisions. During the recall petition held in Northern Ireland in 2018, it became clear that there was an inconsistency in provisions concerning the marked register and how it could be accessed. The draft provisions mirror the position for parliamentary elections, enabling the chief electoral officer to allow access to the marked register when appropriate.

Registration and canvass are the foundation of our democratic system, and I am happy to tell the Committee that the implementation of digital registration for canvass is fully supported and welcomed by the Electoral Commission and Northern Ireland's chief electoral officer. I should also say the regulations have been approved by the Information Commissioner's Office. I hope that hon. Members agree that the introduction of digital electoral registration for canvass is another step towards modernising the delivery of elections in Northern Ireland and that they will support the regulations.

The draft Local Elections (Northern Ireland) (Amendment) Order 2020 will amend the existing legislative framework for local elections in Northern Ireland so that it is no longer a requirement for a candidate's home address to be disclosed and published during an election.

It used to be an accepted part of local elections across the UK that candidates standing for election to local councils would be required to disclose their home address; that address would be printed on the ballot paper. The provision was designed to demonstrate the local connection of a candidate, which has always been an important aspect of our local government system.

Sadly, however, we are all too aware that intimidation and threats are now part of the lives of too many elected representatives. As a consequence, it is no longer proportionate to require candidates to make public their home address in order to stand for public office. It is already the case that there is no requirement to disclose publicly home addresses at parliamentary or Assembly elections in Northern Ireland, nor in most other elections across the UK. The draft order will provide consistency by removing the requirement for all candidate home addresses to be published for local elections in Northern Ireland. Candidates will be able to choose whether they wish their home address to be included on nomination papers, consent to nomination forms and the ballot paper.

The hon. Member for Rochdale, who is not able to join us today, raised this issue with the Secretary of State at the time of the last local government elections. I hope he in particular will welcome this provision.

Nevertheless, when voting for candidates in local elections, electors have a right to know that each candidate has a tie to the local area. To balance that right with the aim to provide protection for candidates, the draft order

will ensure that candidates are required to provide their home address on a separate home address form. The home address form will not be made public and will be used by the chief electoral officer to confirm that the candidate has the required local connections.

Hon. Members will wish to note that the provisions do not alter the requirements for a local connection. As has always been the case, anyone wanting to stand as a local councillor in Northern Ireland must be on the electoral register for that council area or, broadly speaking, have owned or rented land or lived or worked in the area for the preceding year.

If a candidate indicates on the home address form that they do not wish the address to become public, it will not be included in any published documents. In such cases, the ballot paper will show the area that the candidate's address is in. For the vast majority of candidates, that will be the local government district in which their home is situated. That is a small change, which will do nothing more than bring local elections in Northern Ireland into line with other elections. However, as I am sure hon. Members will agree, it is an important change. It is critical that, where possible, we remove any barriers that can inhibit individuals from engaging in the public democratic life of our country.

In addition to removing home addresses from ballot papers, the order also makes provision to remove the legislative requirement that candidate's surnames be printed in all capital letters on ballot papers. That will ensure that a candidate's name on the ballot paper can appear as the candidate would normally spell it. So, for example, where a capital letter is not usually at the beginning of the name, as is sometimes the case with Irish names, that can be accurately reflected on the ballot paper.

Finally, the order will remove the requirement that local councils be described as district councils on the ballot paper. It will provide instead that the council can print its official name and describe itself as, for example, a borough or city council, as appropriate.

The draft order is about engagement and helping to ensure that as many people as possible feel able to be part of the democratic process without feeling intimidated. It is about letting people who stand as candidates have their names spelled as they would usually spell them and allowing councils to describe themselves on ballot papers by the name they are commonly known by. I hope that members of the Committee agree that the provisions, while technical, are important, and that both statutory instruments are, in their way, a step towards modernising the delivery of elections in Northern Ireland, and that they will support them.

The Chair: Members will be pleased to know that the debate can run until 8.30.

6.11 pm

Karin Smyth (Bristol South) (Lab): It is a pleasure to serve under your chairmanship, Mr Hollobone. We have literally run here from another Committee, so forgive us if we are slightly behind. We will, obviously, support the Government tonight, and I thank the Minister for his detailed explanation of measures that are technical and important.

[Karin Smyth]

The Minister mentioned, with reference to the draft Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2020, that my hon. Friend the Member for Rochdale raised the matter following the Máiría Cahill case last April. The then Minister said that the Government were tremendously sympathetic, so my hon. Friend will be pleased that the next time the Government are tremendously sympathetic something will result from it.

The measure is important and will make things safer, by protecting candidates. It may encourage more people to take part in local elections in Northern Ireland, and there is consistency in bringing those local elections into line with the arrangements in place for the Assembly and general elections, where addresses are not made public.

These provisions will improve engagement and accuracy, and simplify the registration process, and we are pleased to support the Government on both of them.

6.13 pm

Ian Paisley: It is an honour to serve under your chairmanship, Mr Hollobone. I just want to make two or three brief points, to which I hope the Minister can respond. He has already responded positively on the issue of increased investment in electoral officers. That is important and I welcome the comments he has already made that, hopefully, with increased efficiency, funding will ultimately be released. As to training and access, the officers are very competent but are sometimes let down by the fact that there is not sufficient money, or sufficient investment in them. That is not their fault, and it is important that that assistance be given.

There should also be reassurances about measures to protect against fraud in the use of the website. Too often, Northern Ireland elections have been characterised by the expression, “Vote early, vote often.” While that was often said with tongue in cheek, unfortunately in some constituencies the result could be distinctive changes, if someone personated a number of electors on a number of occasions and stole their votes.

That could be possible with website registration and I want significant safeguards so that a person who does not have access to the web will not find that their vote is taken by someone else who is mysteriously able to personate them on the website and steal it. That would be an absolute travesty. Technology should of course make registration easier; it should not be about creating opportunities for the criminal to steal a person’s vote. I hope that the special provisions can be put in place to protect against fraud and to punish those engaged in it, if that happens.

I would also like a reassurance that we are not in any way whatever moving towards electronic voting. Again, it is important for people to see election day as something they participate in by physically turning up and playing their part in the democratic process. That is absolutely key and important.

I feel rather experienced in and able to speak about the electoral petition, given that in 2018 I was the subject of such a petition. There was the point to do with access to certain information, and it is the case that after a re-election a person is able to get the marked register. With an election petition, the marked register

shows absolutely everyone who voted the one way—the only way in which they could vote—so it would be completely wrong for that petition to be made available to the public, because it highlights people who took a particular point of view. That would breach anything to with the notion of the secrecy of the ballot.

A number of people, however, were questioned by the police after that petition. I discovered that, ultimately, the police found that they did not have the necessary power to proceed with prosecutions, so that is something the Government will have to look at again, in that the law is deficient in that ensuring against personation—fraud—in an election is not properly managed in that regard.

With regard to the draft Local Elections (Northern Ireland) (Amendment) Order, it is absolutely correct to bring this matter into alignment with the situation for candidates in a general election, as the Minister outlined: they do not have to give out their home address. Instead, they can say, “The candidate from County Whatever”—that is sufficient identification—and that should be the case for people running in a local government election. It is only fair that they should feel safe and comfortable, and that they will not come under any sense of intimidation whatever.

6.17 pm

Mr Walker: I welcome the support for these sensible regulations from everyone who has spoken in the debate, including the constructive support of the hon. Member for Bristol South. She mentioned the case of Máiría Cahill and the Minister at the time saying that we were tremendously sympathetic. She is right that the hon. Member for Rochdale would welcome the action taken, and I pay tribute to his work as shadow Secretary of State for Northern Ireland over a long period. He was certainly always a pleasure to work opposite, as indeed is she.

The hon. Member for North Antrim rightly raised the question of resource for electoral officers. As I said, some of the resource that is freed up as a result of these changes will help in that respect, but of course the democratic process needs to be properly resourced. That is certainly something we will continue to discuss with the relevant organisations, to ensure that they have the resources necessary.

The hon. Gentleman absolutely rightly also raised the issue of measures to protect against fraud. It is important that using an online system does not make the system in any way more open to fraudulent applications. Details of an applicant’s name, date of birth and national insurance number will be checked against the national Department for Work and Pensions database to ensure state-of-the-art identity verification, but, once that identity check has been conducted, the electoral officers will still run further data matching to verify addresses. The safeguards are important.

The hon. Gentleman is also right to draw attention to the fact that there have to be consequences for people who conduct electoral fraud. That is not the purpose of the draft order or the regulations, but it is provided for elsewhere in the law.

I can give the hon. Gentleman the assurance that he seeks: this is in no way a move to electronic voting. This is about making the canvass system more efficient and effective, while recognising that people are now able and

willing to register online for the purpose of canvass. However, we still think that voting in person is an important part of our democratic process. There is no attempt to move away from that.

The hon. Gentleman also spoke, as he said, with great experience of the petitions process. It is absolutely correct that the police need to have the right powers, so I undertake to take that issue away, look at it and ensure that we make the process as robust as possible.

With that, I commend the draft order and regulations to the Committee.

Question put and agreed to.

**DRAFT REPRESENTATION OF THE PEOPLE
(ELECTRONIC COMMUNICATIONS AND
AMENDMENT) (NORTHERN IRELAND)
REGULATIONS 2020**

Resolved,

That the Committee has considered the draft Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2020.—(*Mr Robin Walker.*)

6.20 pm

Committee rose.

