

## The Electoral Fraud (Northern Ireland) Act 2002

### An assessment of its first year in operation

The Electoral Fraud (Northern Ireland) Act 2002 received Royal Assent on 1 May 2002. The Act was primarily introduced to overcome impersonation and electoral abuse which were widely perceived to occur in Northern Ireland. It followed the publication of a number of reports on the subject between 1997 and 2001 all of which concluded that electoral fraud was a major issue in Northern Ireland and needed to be addressed if confidence in the democratic process was to be maintained.

#### Background

The Electoral Fraud (Northern Ireland) Act 2002 brought about the most significant change to electoral law and practice in Northern Ireland for many years. It replaced household registration with a new system of individual registration. Under the new rules, those having their name included on the register must provide personal identification information in the form of their date of birth, national insurance number and signature. Implementation of the Act also involved the introduction of photographic identification at polling stations.

#### Issues

Under Section 6 of the Political Parties, Elections and Referendums Act 2000 (PPERA) The Electoral Commission has a duty to keep under review and, from time to time, submit reports to government on electoral law. In accordance with its remit the Commission has undertaken research into the introduction and operation of the Act. Our report considers how the legislation was implemented by the Electoral Office for Northern Ireland (EONI) and reflects the views of key stakeholders, including the electorate and political parties. The report identifies a number of specific issues which have the potential to bring about improvements in individual registration for the electorate. The November 2003 Assembly election should provide us with a further opportunity to comment in more detail on provisions of the Act which can only be tested during an election.

#### The public interest

The introduction of individual registration in September 2002 and the publication of the first new register in December 2002 were subject to much debate and speculation. Interest mainly derived from the fact that the number of names on the new register had reduced by 10%, representing an estimated 120,000 potential voters. At the time, we gave an undertaking to the political parties and others that we would conduct research to establish the facts behind the reduction and that our findings would be made public.

#### Perceptions of electoral fraud

Despite the fact that electoral fraud is perceived to be a major issue there are no statistics to support these widely held perceptions and there have been few if any successful prosecutions. Official reports published between 1997 and 2001 identified consistent themes in respect of electoral fraud in Northern Ireland. All confirmed that the extent of fraud was difficult to quantify and conclusive evidence for it was hard to obtain. Consequently, the impact of the Act on actual levels of fraud cannot be gauged, as there is no readily available benchmark against which to measure.

Public opinion research conducted in April 2003 suggests that the measures introduced to combat electoral fraud have had a positive impact and confidence levels in the integrity of the electoral process have increased as a result of the Act. Altogether, 72% of a representative sample of the Northern

## The Electoral Commission: The Electoral Fraud (Northern Ireland) Act 2002

Ireland population either strongly agreed or tended to agree that the new system should reduce electoral fraud.

### Implementation

The Chief Electoral Officer for Northern Ireland and his staff had the responsibility for implementing the operational detail of the Act. He was supported in this task by the Northern Ireland Office who made the necessary resources available and The Electoral Commission who had responsibility for ensuring the electorate was aware of and understood the new arrangements. Other stakeholders including the political parties, representatives from the voluntary sector, civic society and the media played a constructive role in disseminating key messages about the new arrangements.

### Analysis of the registers

A key part of our research has involved comparing the last register produced under the old household system (August 2002) and the first individual register produced under the new system (December 2002). The May 2003 register was also analysed to gauge the impact rolling registration had on increasing the number of people registered.

In respect of the last household register it was concluded that the registration rate of 95.5% was likely to have been an overestimate of the actual number of eligible persons registered to vote. However, it was not possible to quantify the factors that inflated the register. The analysis of the August 2002 register also showed there were wide variations between those registered by constituency and that these were more pronounced at ward level. We considered various explanations for some of the differentials identified.

The first register produced under the individual registration system (December 2002) suggests that the numbers on the register as a proportion of the 18+ population was approximately 86%. The non-registration rate is largely explained by the fact that the 'carry forward' facility (the mechanism used under the old household system to allow names to be carried forward for one year when a registration form was not returned) no longer applies.

The impact of removing the other inflationary factors from the December 2002 register is also considered. The December 2002 register shows that the largest declines in registration rates occurred in the Belfast constituencies and that rural constituencies continued to have the highest rates of registration. At ward level the analysis of the December 2002 suggests that there is a clear correlation between deprivation and percentage decline on the register.

### Impact of individual registration on specific groups

Individual registration tended to have an adverse impact on disadvantaged, marginalised and hard-to-reach groups. Young people and students, people with learning disabilities and other forms of disability, and those living in areas of high social deprivation were less likely to be registered and encountered specific problems with the new registration process. These findings are not unique to Northern Ireland and are a recognised phenomenon across the UK.

### The electoral identity card

The uptake of the electoral identity card varied from constituency to constituency with the overall uptake at just over 7%. Some of the concerns expressed in respect of access to the

electoral identity card have been endorsed by the Commission's public opinion survey. This revealed that a number of disadvantaged groups were less likely to have eligible identification. Evidence from a local by-election suggests that the message about electoral identification at polling stations is generally understood by the electorate. However, efforts will need to be maintained to ensure that those without eligible identification and young people coming onto the register for the first time are aware of the requirement and have the opportunity to apply for an electoral identity card.

### Rolling registration

The number of names on the May 2003 register increased by 2.1 percentage points from the December 2002 register. However, this increase was not uniform across the Northern Ireland constituencies and was even more pronounced at ward level.

Electoral hearings are a feature of rolling registration that appears to be unique to Northern Ireland. In practice it means that electors are being treated differently. There also appear to be differences between the EONI's local offices in terms of the proportion of applicants called to hearings. The reasons for these variations are unclear. Fewer than half of those invited to hearings actually attend (leading to automatic non-registration) and the reasons for this require further exploration.

#### Further information

The full paper is available on The Electoral Commission's website [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk) or in hard copy from the Commission's offices.  
Tel: 028 9089 4020

We are an independent body set up by the UK Parliament. We aim to gain public confidence and encourage people to take part in the democratic process within the UK by modernising the electoral process, promoting public awareness of electoral matters, and regulating political parties.  
For more information see: [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

The  
Electoral  
Commission