

ELECTORAL REGISTRATION AND ADMINISTRATION ACT 2013

EXPLANATORY NOTES

BACKGROUND AND SUMMARY

3. In the programme for Government (available at <http://cabinetoffice.gov.uk/news/coalition-documents>) the Government committed to an individual electoral registration system that would:

“Reduce electoral fraud by speeding up the implementation of individual voter registration.
4. In June 2011 the Government published a White Paper and draft legislation on Individual Electoral Registration (Cm 8108); this can be found at <http://www.cabinetoffice.gov.uk/resource-library/individual-electoral-registration-draft-bill>. A public consultation was held on the proposals and the Political and Constitutional Reform Committee (PCRC) carried out pre-legislative scrutiny. Also, in July and September 2011, the Government published draft legislation in relation to certain provisions concerning the administration and conduct of elections for pre-legislative scrutiny by the PCRC (Cm 8150 and Cm 8177), which can be found at <http://www.cabinetoffice.gov.uk/resource-library/draft-electoral-administration-provisions>, and <http://www.cabinetoffice.gov.uk/resource-library/electoral-administration-provision>. The Government responded to the PCRC report and the public consultation in February 2012 (Cm 8245); this can be found at <http://www.cabinetoffice.gov.uk/resource-library/ier-command-paper>.
5. The House of Lords Delegated Powers and Regulatory Reform Committee and Constitution Committee scrutinised the Bill and published reports on it during Summer 2012. The Government published an implementation plan in July 2012 and three tranches of proposed draft secondary legislation. The implementation plan can be found at <http://www.cabinetoffice.gov.uk/resource-library/transition-individual-electoral-registration> and the final publication of proposed draft secondary legislation published during passage of the Bill can be found at <http://www.cabinetoffice.gov.uk/resource-library/individual-electoral-registration-draft-secondary-legislation>.
6. In summary the sections and Schedules in Part 1 of the Act relating to Individual Electoral Registration:
 - Provide that each elector must apply individually to be registered to vote after the transition to the new system.
 - Make transitional arrangements over two or three years, including using data matching to verify entries, and providing for the ‘carry forward’ of electors who are not automatically verified and fail to register under the new system in the first year, so that they remain on the first register published under the new system (likely to be the register used for the 2015 general election).

- Create a legislative framework to allow alternative channels for registration, such as online registration, to be offered.
 - Provide for the use of data matching to verify applications, check existing entries in registers and find individuals who do not currently appear on the register.
 - Make provision for an annual canvass which is compatible with the new registration system and provide a power to amend or abolish the annual canvass in future, subject to a report by the Electoral Commission and an order requiring the approval by a resolution of each House of Parliament.
 - Ensure that all those wishing to vote by post or proxy will need to be registered under the new registration system to utilise these voting methods after the first annual canvass under the new system.
 - Introduce a civil penalty for those who fail to make an application when required to do so by an Electoral Registration Officer (“ERO”).
7. **Section 6** amends the Parliamentary Constituencies Act 1986 so that the first review of UK Parliamentary constituency boundaries conducted under that Act, as amended by the Parliamentary Voting System and Constituencies Act 2011, is to be carried out in 2018 instead of 2013.
8. The Act also includes provisions in Part 2 in relation to the administration and conduct of elections, a number of which were published for pre-legislative scrutiny by the PCRC (as explained at paragraph 4). The provisions in the Act are intended to improve the way elections are run, increase voter participation, and further improve the integrity and robustness of the electoral system. In summary the sections relating to the administration and conduct of elections:
- Extend the electoral timetable for UK Parliamentary elections from 17 to 25 working days which will also have the consequence of altering a number of the deadlines within the timetable (in particular the date for delivery of nominations) which are fixed to the start of the electoral timetable. This will allow more time for the postal vote process and facilitate the administration of elections more generally.
 - Provide for there to be two interim publication dates at UK Parliamentary elections and other specified polls, where an election is pending, on which notices of alteration to the electoral register must be published.
 - As a consequence of an extended electoral timetable, move the deadline for appointing polling and counting agents at UK Parliamentary elections from 2 to 5 days before polling day.
 - Make changes to the timing of polling place reviews in Great Britain to bring them in line with the five year Parliamentary terms established by the Fixed-term Parliaments Act 2011, and the five year cycle for UK Parliamentary boundary reviews implemented by the Parliamentary Voting System and Constituencies Act 2011.
 - Allow voters queuing at a polling station by the close of poll to be issued with ballot papers and vote despite the time of close of poll then passing.
 - Address an oversight in existing legislation to enable a UK Parliamentary election candidate jointly nominated by two or more registered political parties to use, on the ballot paper, an emblem registered by one of the nominating parties.
 - Allow Police Community Support Officers to enter polling stations (as police constables can currently).
 - Remove the automatic postponement of parish and community council elections in England and Wales that currently occurs when a Parliamentary or European

Parliamentary general election falls on the ordinary day for local government elections.

- Enable regulations to be made to place EROs under a duty to give notifications about rejected postal votes, and specify the circumstances where this duty arises. It is proposed that the regulations place EROs under a duty, after an election, to inform electors whose postal votes have been rejected because the postal vote identifiers (that is, signature and date of birth) did not match those stored on record for that elector. This will help voters who submit their postal ballot packs in good faith to avoid their vote being rejected at successive elections.
- Provide that the Secretary of State may, upon a recommendation from the Electoral Commission, withhold or reduce a Returning Officer's fee for reasons of poor performance. Returning Officers' fees and the expenses they incur in running UK Parliamentary and European Parliamentary elections are met by the Government out of the Consolidated Fund.