

## **AGENDA ITEM**

### **REPORT TO CABINET**

**16 MAY 2013**

#### **REPORT OF THE DIRECTOR OF LAW AND DEMOCRACY**

### **INDIVIDUAL ELECTORAL REGISTRATION (IER) – UPDATE ON IMPLEMENTATION**

#### **SUMMARY**

This report provides an update on the introduction of IER and the proposals for implementing the changes, including their impact and the likely resource implications for 2013 to 2016.

#### **RECOMMENDATIONS**

It is recommended that the current position regarding the introduction of IER and the initial funding allocation be noted.

#### **DETAIL**

##### **Background**

1. The Electoral Registration and Administration Act 2013 (“the Act”) received Royal Assent on 31 January 2013. The Act will introduce Individual Electoral Registration (IER) which is being described as the biggest change to electoral administration for almost a century. This three year project will require significant changes to business systems, IT infrastructure and existing interfaces with the electorate, contractors and third parties. IER will also generate additional workload during the transition period and beyond.
2. The current system of electoral registration in Great Britain is based on an annual survey whereby each household is asked to provide a list of eligible electors at that address. An application for registration on a canvass form only requires the name, address and nationality of each elector and a signed declaration by the person completing the form. No evidence is required of eligibility to vote but Electoral Registration Officers (EROs) may investigate where they have suspicions about the information recorded in an application.
3. Under IER electors will be registered individually and will have to provide personal identifiers (date of birth and national insurance number). The proposals have been introduced with a view to reducing fraud and helping to make registration more accessible by allowing electors to register themselves more easily and in different ways.
4. The proposals include the following key changes:
  - Every elector will need to register individually to be included on the register
  - During the transition, existing register entries will be matched with records held by the DWP. Where information provided does not match, further investigation will

need to be carried out by the ERO. In addition, where DWP hold information on residents not included on the electoral register, further investigation will need to be carried out by the ERO including, where necessary house to house enquiries at the property. From July 2014, any new applications to register will need to be on an individual basis with personal identifiers confirmed against DWP records

- Under the proposals, electors will also have the ability to register on-line
- The system will run over two annual canvasses from 2014 putting in place a safeguard for the General Election in 2015 so that existing electors who fail to register under IER in 2014 are not removed from the register until after the General Election
- From 2015 (and in future years) a two stage process will be in operation. The first stage will be for the ERO to send a Household Enquiry Form (HEF) to every residential property. Any new electors identified by this will then be followed up individually by the ERO
- In addition, new electors will be able to register on an individual basis throughout the year under rolling registration; non-confirmed electors will need to be written to at least twice and visited by a canvasser if they do not respond.

## Transition

5. The implementation of IER falls into five stages over the next four years running alongside other elections and related activities, including the normal canvass process.

6. The main events in IER implementation are:

**(i) December 2012 to March 2013:** to plan for 2013 transitional activities which prepare for IER implementation. This will include reviewing, understanding and implementing guidance from the Electoral Commission and the Cabinet Office and ensuring that ICT pre requisites are in place ensuring the necessary connectivity and packages are in place.

**From April 2013:** to consider guidance on the requirements of the new legislation, make plans to roll out the new system in 2014 and communicate the change within the local area. Work with EMS suppliers to implement changes to local IT systems.

**(ii) By September 2013:** to complete a full test of the matching and verification service, and confirm plans for sufficient staff and resources for transition in 2014 and 2015. Funding for IER for individual Councils will be based on the match rate of electoral registers against DWP records.

**(iii) October 2013 to February 2014:** to carry out the final old style household canvass from 1 October 2013. An Order has now been laid before Parliament which fixes the publication date for the new register at 17 February 2014. The delayed canvass will mean that canvassing will take place over the winter/ Christmas period which may have a detrimental impact on registration levels.

**(iv) Summer 2014:** to begin the transition to the new system after the European elections (22 May 2014 including matching registers against the DWP database to confirm existing electors.

In **December 2014:** to publish a new register, including all electors confirmed under IER, together with those on the spring 2014 register who have not yet re-applied.

In **January to March 2015:** to carry out targeted activity to invite further missing electors and those who may have moved, to update their registration. Also write to people encouraging those not on the register to apply.

**(v) In autumn 2015 and** after the May 2015 General Election (plus District and Parish Elections in Stockton): to carry out a full household canvass. Every household should be asked to confirm who lives there and anyone new will be invited to register individually. Electors from the March 2014 canvass, who were not confirmed automatically and have not yet re-applied, should be canvassed again. If they still do not re-apply by **December 2015**, they will be removed from the register.

7. Whilst the legislation says that transition will be complete in 2016, Ministers can lay an Order before Parliament to provide for the transition to be completed by the end of 2015 and the Government has made it clear that its intent is to complete the transition by December 2015.

8. A successful transition will be achieved through:

- thorough planning and project planning
- effective use of IT systems and available data
- a commitment to effective public engagement using the methods that will best reach the residents in the local area

#### **What will it mean for the citizen?**

9. The proposals are aimed to give electors more direct control of their electoral registration as well as greater choice over how to register, such as the ability to apply online. During the transition, electors will have plenty of opportunities to register and more choice over how to do it once the new system is in place.

10. Until summer 2014, when the transition to the new system gets underway, the current system of electoral registration will operate as now. The only change will be that instead of asking each household to return a canvass form in the autumn of 2013, the last canvass under the old system will take place from December 2013 to March 2014. This will ensure that the register is as up to date as possible for the European elections and for the transition to IER.

11. In the summer of 2014, transition will begin with the matching of entries on the electoral register with DWP records. If details can be matched, electors will be confirmed on the register and sent a letter. If details cannot be matched, citizens will be asked to make an individual application supplying name, address, date of birth and national insurance number; the application can be made in hard copy or online. People will be reminded more than once and if they still do not respond will be visited by a canvasser.

12. EROs will be able to issue a civil penalty to individuals who, when required to make an application, fail to do so. There will be safeguards in place to ensure that only those who refuse repeated requests for an application can be fined, and EROs will have to take specific steps to encourage an application before they can issue a fine.

13. If an eligible citizen was on the register before transition but could not be confirmed against DWP or other records and did not register individually, they will remain on the December 2014 register and will not lose their vote at the 2015 General Election. However, they will lose their postal or proxy vote if they do not register individually and unless a successful new application is made before December 2015, their name will be removed from the register.

14. Throughout the transition, all people on the register will need to know how they must update their details if these change, for example, because they move house or

change their name and people not on the final pre-IER register will need to know what to do to become registered.

15. Following the transition to IER, all new electors or home movers will be required to apply individually to register to vote. An annual canvass of all households will continue to be carried out to ensure that the electoral register is up to date and any new electors identified as part of the annual canvass will then need to be invited to register individually.

### **What will IER mean for Local Democracy?**

16. Whilst the stated aims of the new legislation are to give electors more direct control of their electoral registration as well as greater choice over how to register and boost registration of underrepresented groups, concerns have been raised about a dip in registration levels especially following the 2015 General Election when the carry over arrangements from the 2014 register will cease. It is also likely that a greater reduction in registration levels will be experienced in the more deprived wards following this date. This highlights the political sensitivities around the subject and the continuous need to take proactive steps to boost registration levels in conjunction with the household canvass following the General Election as well as awareness raising during implementation. There will need to be on-going engagement activity to reach those "hard to reach" groups within the community who are under represented on the register and work with partners such as registered social landlords to encourage increased registration levels. For example, Stockton has recently worked with the Vela group to look at ways of encouraging tenants to register by capturing residents at the point of enquiry.
17. Local Authorities will be required to develop a single integrated public engagement strategy building upon plans for ensuring successful transition including:
  - identifying new electors
  - publishing the revised register
  - identifying target audiences including under-registered groups and their barriers to registering locally
  - reaching target audiences using local public engagement activity
  - developing public awareness and registration contact methods
  - ensuring necessary connectivities and packages are in place as per Cabinet Office requirements
18. This type of engagement activity is already undertaken in Stockton in order to boost registration levels and our Democratic Engagement Strategy will need to be reviewed to take account of IER.

### **What will it mean for EROs and Electoral Administrators?**

19. The introduction of IER will be a significant piece of work requiring transformation of existing systems and will be implemented alongside an already relentless timetable of registration activities and elections as well as the forthcoming polling district review (which may commence after 1 October 2013). In addition, the timeline for implementation results in disruption to the usual timetable of registration activities (canvass and signature refresh).
20. Even when transition to IER is completed, data matching will be required for all new electors and home movers; non responders will need to be reminded more than once and canvassers will need to be employed throughout the year to undertake house to house enquiries for non-responders.

21. The transition at local level will require the following elements to come together:

**Public Information: providing the public with information, guidance and support** about the new system, and what is required of them, at the right time. This will include national and local elements.

**Law and Guidance: developing policy, legislation and guidance** - to understand the new legal requirements and what this means for business processes.

**Resources: acquiring and or providing these to support the change** including the financial resources, and others, to ensure that there are people with the skills required to implement the transition.

**IT: introducing changes to local authority IT systems** especially to Electoral Management Systems and local IT capability to support the transition to the new system. There will also be a confirmation and data matching system provided for all EROs which will have the capability to match their registers and verify applications against external trusted databases.

Software upgrades are a pre requisite to implementation and an audit has revealed that, due to the age of existing hardware, PCs, scanners and laptops are in need of upgrade to mitigate against the risk associated with equipment failure due to age and to meet the minimum required technical specifications of the new Xpress/IER system. The expected increase in service transactions will place greater processing demands on the existing ICT hardware which is already exhibiting operational performance issues.

The necessary hardware and software upgrades to support the confirmation dry run are estimated to be £17,324.30.

### **Data Matching Pilots**

22. The aim of the most recent data matching pilots was to carry out an evaluation of data matching for the purposes of confirming electors on the Electoral Register
23. Following initial pilot activities, and based on the learning from the pilots, some additional refinements were made to the pilot matching and scoring algorithm. Based on this refined matching algorithm, results show that overall 72% of existing electors in the pilot areas could be positively matched against DWP data in the pre-canvass register and 73% could be matched in the post-canvass register. Match rates varied between pilot areas, ranging from 58% to 84% in the pre-canvass match files and 61% to 85% in the post canvass match files. This has subsequent impacts in terms of the levels of resource required by different EROs during the transition to IER - areas with lower match rates are likely to require greater resources.

### **What does this mean for Stockton?**

24. The current electoral register stands at approximately 144,000. If Stockton reaches a 61% match rate (*the minimum match rate from the post canvass pilots*), this would leave an unmatched electorate of over 56,000 needing to be followed up on an individual basis at least twice and canvassed if necessary.
25. In addition, the latest ONS mid-year estimates give the 16+ population for Stockton as 154,700. Following data matching, this could mean that as many as 10,000 plus people currently not on the register will need to be contacted following the

confirmation exercise in 2014. In addition, DWP data matching may identify more potential electors than are estimated.

### **Funding**

26. The Cabinet Office has stated that the Government is committed to funding all the additional costs arising from IER. New transitional activities such as testing the confirmation of existing electors will be fully funded through direct s.31 grant. Activities which will create additional costs, such as the write out to electors in the autumn of 2014 will result in top up funding to ensure that there are no net additional costs. Only registration activities that are unaffected by IER will be met from the Formula Grant in the normal manner.
27. The Cabinet Office are particularly keen to ensure that funds allocated to each local authority will be used for the additional activity needed to support the transition and not used to make up shortfalls for funding in electoral registration. Section 151 Officers have been asked to sign a declaration that the s.31 grant will be used to fund the new responsibilities and not other registration duties which are to be met from local authority budgets in the usual way.

#### *2013/14 Funding Allocation*

28. An up-front formula grant allocation of £8,778.06 was released to the Council on 22/04/13 in relation to the funding of Individual Electoral Registration for the 2013/14 financial year. This up-front grant is to enable Electoral Registration Officers to carry out work under two headings:
  - **Change management:** For example, staff time spent at events such as workshops, staff time pertaining to change management, testing IT engaging with Cabinet Office regional delivery managers
  - **Confirmation dry run:** To cover the cost to local authorities of the confirmation dry run conducted by EROs in mid-2013.
29. Cabinet Office has indicated that if this funding allocation does not cover expenditure under the above headings, there are additional funds that can be provided on production of the necessary evidence in support of local needs. The ERO intends to submit evidence to support a bid for further funding on the basis that the necessary hardware and software upgrades to support the confirmation dry run (summarised earlier in this report) exceed the funding allocation.

#### *2014/15 Funding Allocation*

30. An indication of funding for 2014/15 will not be known until Local Authorities have tested the confirmation process this summer. The confirmation rate in individual areas will determine the number of electors who will need to be personally invited during the transition, and this will drive much of the cost. Once the results of the confirmation testing are known, Cabinet Office will inform Local Authorities of the indicative financial allocations for 2014/15 in October 2013 along with guidance on how to access additional funds if the national formula does not meet local needs.

#### *Funding 2015/16 and Onwards*

31. Cabinet Office has indicated that they will not be in a position to offer details on on-going funding as this falls into the next spending review period, as is the case for other local and national expenditure. Cabinet Office has advised that, in line with the

New Burdens Doctrine, the Government is committed to ensuring that local authorities are not left with unfunded burdens.

### **Summary of Key Issues:**

32. The following are the key issues highlighted in this report:-

- The introduction of IER is being described as the biggest change to electoral administration for almost a century. This three year project is a significant piece of work requiring transformation of existing systems and will be implemented alongside an already relentless timetable of registration activities and elections
- The task should not be under estimated. Based on a 61% match rate against DWP records (*the minimum match rate from the pilots*), over 56,000 Stockton electors may need to be contacted on an individual basis to provide further details and canvassed if necessary
- In addition, the latest ONS mid-year estimates give the 16+ population as 154,700. Following data matching, this could mean that as many as 10,000 plus people currently not on the register (unconfirmed population) will need to be contacted following the confirmation exercise in 2014
- The Government is committed to funding the transitional costs and Section 151 Officers have been asked to sign a declaration that the s.31 grant will be used to fund the new responsibilities and not other registration duties which are to be met from local authority budgets in the usual way
- An up-front formula grant allocation of £8,778.06 was released to the Council on 22/04/13 in relation to the funding of IER for the 2013/14 financial year. This up-front grant is to enable EROs to carry out work in relation to change management and the confirmation dry run. The ERO intends to submit evidence to support a bid for further funding on the basis that the necessary hardware and software upgrades to support the conformation dry run are estimated to be £17,324.30 and therefore exceed the funding allocation
- An indication of funding for 2014/15 will not be known until Local Authorities have tested the confirmation process this summer and Cabinet Office has indicated that they will not be in a position to offer details on on-going funding as this falls into the next spending review period
- Printing, postal and staffing costs (including door to door canvassing) will be significant based on the above data matching estimates and estimates of the unconfirmed population. Residents will need to be written to more than once and canvassed if necessary. A clearer picture will emerge following the 2013 confirmation dry run. It is likely that additional temporary staff will be employed during the transition period to assist with peaks in workload and canvassing
- The volume of additional registration activity both during and post transition will be easier to estimate following the confirmation dry run data matching this summer. However, it should be noted that whilst the Government is committed to funding the transition to IER, there is no guarantee that funding will continue post transition
- Local engagement plans will need to be developed from June 2013

## **FINANCIAL AND LEGAL IMPLICATIONS**

### **Financial**

33. The Cabinet Office's impact assessment suggests the move from household to individual and verified voter registration is expected to cost £108.3m to implement, in addition to the current cost of electoral registration (£382.8m annually) an annual estimated increase of 38%. The Government is committed to fully funding the transition to IER.
34. Further information in relation to the funding implications for the Council is set out in more detail in the report.

### **Legal**

35. To comply with the Electoral Registration and Administration Act 2013
36. To comply with Political Parties and Elections Act (2009) – Provision of identifying information and data to EROs.
37. To comply with Representation of the Peoples Act 1983 – EAA 2006 statutory duty to maintain an accurate and complete electoral register.
38. Section 9A of the RPA 1983 requires an ERO to take all necessary steps to comply with the general duty of maintaining the register, including sending the canvass form more than once, making house to house inquiries and inspecting records that the ERO is permitted to inspect

## **RISK ASSESSMENT**

39. Sufficient resources will need to be made available to implement individual registration in order to ensure that the Council complies with its legal duties detailed above; the electoral register is robust and electors are not disenfranchised.

## **SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS**

40. Stronger Communities

## **EQUALITY IMPACT ASSESSMENT**

41. As part of the legislative process, an impact assessment of the introduction of IER was undertaken, including an equality impact assessment. The assessment states that the move away from a household electoral registration system should have an overall positive impact on equality, providing each eligible individual with the right and responsibility to register themselves to vote, rather than being dependent on another member of the household. This should empower individuals to take greater ownership of their franchise, however, this will also require a shift in behaviour if people are to take responsibility for their own registration.
42. Whilst the system will be as convenient and efficient as possible for all users, the impacts on the following groups of people were particularly considered as part of the assessment:
  - Those currently under-represented on the register
  - Those who present a particular challenge in 2014
  - Those who have special requirements



43. This introduction of IER will be supported by a strategy which includes a transitional carry-forward, publicity and targeted engagement that will make it as easy as possible for people to register, by providing increased opportunity and prompts that will help everyone adapt to the change.
44. It is not considered that a further assessment on behalf of the Council is required or necessary.

## **CONSULTATION**

45. Discussions have taken place and will continue with internal ICT support services and also external providers (EMS system and external printers for electoral services). Electoral Services staff have attended briefings arranged by the Cabinet Office on the implementation of the project. The Cabinet Member for Corporate Management and Finance has been consulted.

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Education related? No

### Background Papers

IER Implementation Plan

Individual Electoral Registration Impact Assessment presented to Parliament by the Deputy Prime Minister in June 2011

Letter from Chloë Smith MP, Minister for Political and Constitutional Reform, dated 26 March 2013

### Ward(s) and Ward Councillors

Not Ward Specific

### Property

None