

Individual Electoral Registration



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Individual Electoral Registration

Presented to Parliament
by the Deputy Prime Minister
by Command of Her Majesty

June 2011

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Foreword

The Coalition Programme for Government set out an ambitious programme to improve the political system. We want to disperse power and give individuals and communities more control of the decisions that affect them.

We have already taken significant steps to move power from the executive to Parliament, and from Parliament to the people. We have asked the public whether they want to change the voting system for the Commons. Parliamentary constituencies are being redrawn so that everyone's vote carries the same weight, wherever they live. The Fixed-term Parliaments Bill will soon be law – removing the Prime Minister's power to call an election at a time of his or her choosing. And last month we published a draft Bill on House of Lords Reform.

This White Paper and draft legislation set out the next stage of this reform programme. In the Coalition Programme for Government we said that we would *'reduce electoral fraud by speeding up the implementation of Individual Electoral Registration.'*

The electoral register is a key building block for our democracy, as it provides the fundamental record of those people entitled to vote at the various elections in the UK. The current system for registering to vote has been in operation since the early part of the twentieth century. However, the system relies on trust that those who register to vote are indeed eligible. In the past decade there have been abuses of this system which have shaken the public's confidence in the security of our elections.

In the last Parliament legislation was passed to move to a system of Individual Electoral Registration, requiring each elector to register to vote individually, rather than by household as happens at the moment, and for each elector to provide personal identifiers which will allow each person's application to be verified before they are added to the register.

This White Paper sets out how we plan to accelerate the implementation of Individual Electoral Registration in line with the Coalition Agreement and do so in a way that will modernise the electoral registration system so eligible people can register themselves more easily and in many different ways. This will reduce fraud and help to make the registration system more accessible to under-represented groups and to those with special requirements, including disabled people.

- We will speed up the implementation of Individual Electoral Registration to 2014 – ahead of the next UK Parliamentary general election.

- We will drop the previous Government's plans for a voluntary phase leading up to this, saving £74m. Instead we will have a transition period which will mean that electors who do not register under the new system in 2014 will be carried forward onto that year's register and will not lose their entitlement to vote at the 2015 General Election.
- However all new electors, and anyone wishing to cast a postal or a proxy vote in 2015, will have to be registered under the new system.

We also intend to take this opportunity to address the issue of those who are entitled to vote but are not on the electoral register. At the current time the UK's registration rate (at around 90%) is broadly comparable to similar countries overseas, however that means a significant number of people are missing from the register. The transition to a new system of electoral registration allows us to take steps to address this and make it as easy as possible for people to register.

Alongside the publication of this draft legislation we therefore have launched, on time, a series of 'Data Matching' pilot schemes. The schemes will compare a number of local electoral registers against different public databases to check accuracy and to identify people who may be eligible to register to vote, and then invite them to apply to register. If these schemes prove successful we will look at how this can be extended across the country.

Finally this legislation provides us with an opportunity to look at how we can modernise our system of electoral registration to make it easier, more convenient and more efficient for people to use and administrators to run. The current system has not kept pace with technological advances and is largely paper based. This draft legislation will therefore allow:

- Electoral Registration Officers to offer people more choice of how to register, including making use of online registration;
- people to take more control over the verification of their eligibility, in line with the Government's plans announced on 18 May to develop a market of accredited ID assurance services; and
- in the future, if Parliament is satisfied with alternative arrangements to put in its place, an end to the annual canvass as the primary means of maintaining the completeness and accuracy of the register.

Proportionate and appropriate use of people's data is at the heart of these proposals. Data will be handled securely. People will only be asked to provide the minimum additional information necessary for the purposes of checking their eligibility and ensuring the accuracy of the register, and that data will only be used for this purpose. No additional information will be placed in the electoral register and the register will continue to be created and held locally – there will be no new national database.

We publish this White Paper and draft legislation for pre-legislative scrutiny and look forward to the Political and Constitutional Reform Committee's Report. While the next steps are a matter for the Committee, we would welcome views from members of the public and organisations with an interest in our proposals whether made to the Cabinet Office or to the Committee.



Rt Hon NICK CLEGG MP
Deputy Prime Minister



MARK HARPER MP
Minister for Political and Constitutional Reform

Introduction

1. In the Coalition Agreement the Government promised to speed up the implementation of Individual Electoral Registration (IER) in Great Britain. In the last Parliament legislation was passed to introduce IER on a voluntary basis, before a decision would be taken on whether to move to a compulsory system. We believe that it is important that we take steps to restore public trust in the security of elections in this Parliament. Therefore the Government is bringing forward this draft legislation to set out how we propose to speed up the introduction of IER and make it compulsory from 2014.
2. These proposals will tackle electoral fraud to restore voters' confidence in the system by improving the accuracy and security of the register; and they will also allow the Government to take steps to improve the completeness of the register. Around 90% of eligible electors are currently registered to vote, which compares well with other countries, but the completeness of the register could be improved and we are committed to taking steps to do so.
3. This year we are trialling Data Matching – letting Electoral Registration Officers (EROs) compare the electoral register with other public sector databases to identify eligible people missing from the register. If successful we will roll this out more widely to support the move to IER and to improve the completeness and accuracy of the register.
4. Completeness and accuracy of the electoral register are defined by the Electoral Commission as:
Completeness: every person who is entitled to have an entry in an electoral register is registered
Accuracy: there are no false entries on the electoral registers¹
5. We will also look at how we can make it simpler and more convenient for people to register to vote both to help improve registration rates and also to make the system more user friendly and consistent with how people choose to engage with public services today. This will include supporting the roll out of online and other channels for registration and exploring scope for integrating electoral registration into other services.

¹ Accuracy excludes minor errors, such as the misspelling of an elector's name, which would not prevent an eligible elector from being able to vote.

6. The estimated cost for implementing IER is £108.3 million. The Government is committed to fully funding the costs, including costs to local authorities, of the move to IER. We will drop the previous Government's plans for a voluntary phase leading up to this, saving £74m. IER also opens up the possibility that the process for registration may be more efficient. It may be possible for example to drive further efficiencies through opening up new channels for electoral registration and integrating registration with other transactions. However this is yet to be tested. Full analysis of the implementation costs are set out in the Impact Assessments, which can be found on the Cabinet Office website and are summarised herein at Annex A.

How to respond to this White Paper

Comments and views are sought from as wide a range of people as possible on the proposals contained in this White Paper. Views from interest groups and members of the public are also very welcome. Views can be submitted by Friday 14 October 2011:

By writing to:

Electoral Registration Transformation Programme
Area 4/S1
1 Horse Guards Road
LONDON SW1A 2HQ

Or by e-mailing: electoralregistration@cabinet-office.gsi.gov.uk

Further information can be found at www.cabinet-office.gov.uk

Why the current system of registration needs to change

Tackling fraud

7. The current system of electoral registration in Great Britain is based on an annual household canvass 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 (attainers² must provide their date of birth) and a signed declaration by the person completing the form that those named are eligible to vote. Outside of the annual canvass process, an individual elector may submit this information on a 'rolling registration' application form. No evidence is currently required of eligibility to vote but an ERO may investigate where they have suspicions about the information recorded in an application.
8. In recent years some steps have been taken to improve the security of elections. The Electoral Administration Act 2006 introduced a number of measures including:
 - A new version of the criminal offence of supplying false information to the ERO.
 - Allowing the police more time to carry out investigations into electoral fraud – increased from one to two years.
9. Additionally the Act improved security around postal votes by:

² An elector who is not yet 18 years of age must be shown on the register with the date on which they will attain the age of 18. Those electors appearing on the register in such a case are called attainers as they are about to attain voting age. The date of birth for all 16 and 17 year-olds must be provided on the annual canvass form.

- Requiring electors to provide personal identifiers (signature and date of birth) if they wish to have a postal vote. Those identifiers must be replicated by the elector when they subsequently cast their postal vote, and can be cross-checked with the original samples to ensure the postal vote is valid. The implemented secondary legislation also made it clear that registration officers could cross-check personal identifiers against other records to which the officer has access.
 - Introducing a new offence of providing false information when applying for a postal or proxy vote.
10. While the data available on electoral fraud indicates that it is rare, any fraud in the system undermines public confidence. Despite the improvements introduced by the Electoral Administration Act 2006 there remain a significant number of people who perceive fraud to be a problem (40% of people surveyed for the Electoral Commission's Winter Research 2010³) and this can have a corrosive effect on trust in our political system. We think the current system of electoral registration is unacceptably exposed to the risk of fraud.
 11. Observers of UK elections have highlighted concerns about the registration system for a number of years. In their Election Assessment Mission Report on the General Election 2010 (published 9 July 2010), the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights described the voter registration system in Great Britain as the weakest link of the electoral process due to the absence of safeguards against fictitious registrations.⁴ They recommend that:

"Consideration should be given to introducing an identification requirement for voters when applying for registration as a safeguard against fraudulent registration."
 12. In 2007 a report by the Committee for Standards in Public Life recommended that a system of IER should be introduced for the rest of the UK following the next General Election or by 2010, arguing that it would make the register more accurate. Since 2003 the Electoral Commission has recommended the introduction of IER to improve the quality of the electoral register.⁵ The Association of Electoral Administrators (AEA), Society for Local Authority Chief Executives (SOLACE) and the European Commission for Democracy through Law (the Venice Commission) have also made representations calling for the introduction of IER.
 13. Maintaining a more accurate and complete register will deliver benefits beyond addressing the potential for fraud in elections. The full register is already made available under current legislation to a number of government organisations for official purposes, and the edited version of the full register is available to anyone for any purpose. In addition the full register is also supplied to credit reference agencies to assist financial institutions in the UK to verify a person's identity when processing an application for credit or opening a bank account.
 14. Placing a false identity on the electoral register has been assessed as an important stage in identity fraud, which is in turn linked to financial crime. There is evidence that individual criminals and organised crime groups exploit electoral registration to create false identities, enabling a range of criminal activities including mortgage fraud, fraudulently applying for banking products and/or passing credit checks, and fraudulently gaining access to state benefits. A recent Metropolitan Police Service (MPS) and National Fraud Initiative analysis of 29,000 strands of identity data found on

³ http://www.electoralcommission.org.uk/__data/assets/pdf_file/0005/108869/2010-Public-Opinion-Winter-Research-Topline.pdf

⁴ Page 11 http://www.osce.org/documents/odihr/2010/07/45252_en.pdf

⁵ The Electoral Registration Process: Report and recommendations June 2003

forged and counterfeit documents showed that 13,214 (45.6%) of these were positive matches on electoral register entries. The lack of a robust verification processes for electoral registration creates a key vulnerability to financial fraud.

15. IER should help to root out those who attempt to register fictitious identities with the aim of committing financial fraud. Ongoing discussions with the Serious Organised Crime Agency, the Association of Chief Police Officers and the Metropolitan Police are helping us to understand the value fraudsters place on getting on the electoral register and how we can protect the register from potential attacks. We are also working closely with those bodies to ensure that the system for electoral registration is as robust and secure as possible.

Improving electoral registration rates

16. In addition to trust and security, ensuring the electoral register is as complete as possible is central to the credibility of our electoral system and the basis for our democratic processes. Everyone who wants to be on the electoral register – and has the right to be – should be able to register easily and simply. It is not compulsory to vote in our elections and nor will we compel people, so it is sensible that registering to vote should be also be a choice for the individual concerned. As reported by the Electoral Commission in March 2010 registration rates in England and Wales (*figure 1*) are comparable to other similar developed countries (no data is available for Scotland), but we can and should do more to encourage people to register.

Figure 1 International comparisons of electoral registration levels⁶

Country	Year	Rate	Year	Rate
England and Wales	2000	91%	*	*
Canada	2000	93%	2007	94%
New Zealand	2000	92%	2007	95%
France	2001	90%	2007	91%
Australia	2002	95%	2008	92%
USA	2002	67%	2007	68%

*no comparable data available for England and Wales

17. The Electoral Commission has published data on the extent of under-registration. In September 2005 it published research which compared electoral registers in England and Wales against the 2001 Census and Labour Force Survey.⁷ Based on this work the best estimate for non registration among the eligible household population in England and Wales at 15 October 2000 (the qualifying date for the February 2001 register) was between 8% and 9% – an estimated 3.5 million people across England and Wales.
18. More recently the Commission's Report: *The completeness and accuracy of electoral registers in Great Britain*⁸, published in March 2010, examined evidence from electoral statistics and surveys of levels of response to the annual canvass. By undertaking house to house surveys the Report found a

⁶ http://www.electoralcommission.org.uk/__data/assets/pdf_file/0019/83305/Interim-report-on-case-study-research-into-the-electoral-registers-of-Great-Britain.pdf

⁷ Understanding Registration: http://www.electoralcommission.org.uk/__data/assets/pdf_file/0020/47252/Undreg-FINAL_18366-13545__E__N__S__W__.pdf

⁸ http://www.electoralcommission.org.uk/__data/assets/pdf_file/0019/83305/Interim-report-on-case-study-research-into-the-electoral-registers-of-Great-Britain.pdf

broadly similar level of completeness and identified those groups most likely to be missing from the register as young people, home movers, and certain Black and Minority Ethnic Groups.

19. While we know there is a problem, these figures do not give the Government or Parliament a sufficient basis on which to judge the impact of IER, nor how best to shape the policy. The 3.5 million figure is still widely used but it is based on data that is now over 10 years old and only relates to England and Wales. There is no recent national data on the accuracy of the electoral register and it is important we understand the scale of inaccurate entries on the register which should come off as IER is introduced. To address this problem we are working with the Electoral Commission to create a clear set of data on the completeness and accuracy of the electoral register at the present time. We will be funding the Commission to carry out a national study of completeness and accuracy. The Commission will publish its findings before the end of 2011 and before Parliament legislates on the issue. This data is critical in understanding the starting point on both accuracy and completeness.
20. Current legislation makes provision for the testing of Data Matching Schemes to test whether EROs can use public databases to identify people eligible to vote but missing from the register so they can invite them to register. Working with EROs the Government has launched a number of pilot schemes to test a range of public databases, and should be in a position by early next year to assess whether these schemes should be rolled out more widely.

Data Matching Schemes

There are around 20 pilot schemes running between now and November. Between them they will compare electoral registers with a range of data from public authorities including the Department for Work and Pensions, the Department for Transport, the Department for Education, HM Revenue and Customs, the Department for Business, Innovation and Skills and the Ministry of Defence. Electoral Registration Officers will be able to tell the Government what difference matching names and addresses makes to their ability to improve the accuracy and completeness of the electoral register. If Data Matching identifies individuals who are not already on the register then the Electoral Registration Officer will be able to offer them the opportunity to apply to register. It is the choice of the individual whether to apply to register to vote. If Data Matching identifies names on the register that are not found elsewhere then the Electoral Registration Officer will be able to investigate whether those entries are legitimate.

Modernising our system of registration

21. The current system of electoral registration is over 100 years old and Great Britain is almost alone in retaining a system of household registration. The processes for maintaining the register are largely postal and paper based and are increasingly out of line with how people choose to access services and carry out transactions with Government. We will therefore also take this opportunity to change our legislation on electoral registration to put in place a framework which reflects more closely how people choose to engage with Government and create flexibility for the system to keep pace with technological developments. This will help to make registration easier, more convenient, and more efficient, opening the way for other methods of registration such as by telephone or online. However whilst we are keen to look at how IT and online processes can assist in the registration process and elsewhere, we are not looking at electronic voting (e-voting) mechanisms.

22. The proposals in this White Paper, enabled by the draft legislation, include:
- giving people greater choice by allowing EROs to open up new secure channels for electoral registration, for example online registration;
 - making it possible to integrate electoral registration into other official transactions which could make registering to vote more convenient, save time and reach out to people not currently on the register;
 - allowing the process for verification to change in future to reflect the Government's plans to develop a market of Identity Authentication providers, which will give people more control over this process; and
 - enabling Parliament to take a decision in the future, informed by evidence and experience, on whether to end the annual canvass and replace it with a more effective and efficient way to maintain the electoral register.
23. These proposals are outlined in more detail in paragraph 33 onwards.

Handling personal data

24. The electoral register currently contains the names and addresses of each person registered to vote, along with the date at which any 'attainers' will reach the age of 18. With the introduction of IER there will be no change to the data currently included in the electoral register. Each electoral register is created and then held by 386 EROs in local authorities across Great Britain.⁹ This will remain the case and there will be no new national database created.
25. We anticipate, although the draft legislation is flexible enough to allow changes to the information requested from people, that in the early period of IER the process for electoral registration will require each person to register individually and to provide EROs with their National Insurance Number (NINO) and their date of birth (DOB) – or alternative identification if they are unable or unwilling to provide this information. This data will be handled securely by EROs and misuse will be subject to a fine or custodial sentence. At the end of the process of verification the NINO data held by the ERO will be deleted; however we propose that EROs should retain the data on DOB (but it should not be included in the register itself) to enable a more accurate comparison of entries to allow ineligible duplicate entries to be removed, as well as potentially supporting data matching. We believe these arrangements are proportionate and strike the right balance between privacy, security and maintaining the quality and accuracy of the electoral register, but **we would welcome views on this as part of pre-legislative scrutiny.**

⁹ In Northern Ireland the Chief Electoral Officer is responsible for creating and maintaining the electoral register.

Individual Electoral Registration in Northern Ireland

IER was implemented in Northern Ireland in 2002, requiring all electors to register individually by providing personal identifiers: NINO, DOB and signature. The system is centralised and responsibility for electoral registration lies with the Chief Electoral Officer for Northern Ireland. In 2006 the requirement to conduct annual canvasses in Northern Ireland ceased and was replaced with continuous registration meaning the elector would take responsibility for updating their entry in the register on an ongoing basis. Data Matching and targeted canvassing is used to help identify electors who have moved and others who may not be registered. The Chief Electoral Officer for Northern Ireland must conduct a complete canvass every 10 years. In addition, although not as a consequence of the introduction of IER, an applicant must have been resident in Northern Ireland for the preceding three months and the Chief Electoral Officer may ask for evidence of this, such as a utility bill or bank statement.

26. The introduction of IER in Northern Ireland has greatly improved public confidence in the security and accuracy of the register. There were some concerns that the increased security requirements and the need for people to register individually were causing a decline in the numbers registered, particularly amongst young people. Additional provision was therefore made to allow the Chief Electoral Officer to target under-represented groups for registration, in particular providing for increased data sharing between other public authorities and the Chief Electoral Officer.
27. Overall IER has been a success in Northern Ireland, but there are important lessons which the rest of the UK should learn from the Northern Ireland experience. The most important, which we have reflected in the plans outlined in this White Paper, is how we manage the transition to IER including the risk that eligible people fall off the register during transition. For this reason we propose a special 'carry forward' provision which will mean that a person already on the register who fails to register under the new system will not be removed from the register ahead of the next General Election. This will mean that existing electors will have more than one opportunity to register under the new system. This is dealt with in detail in paragraphs 76 to 78.
28. In addition it will not be a requirement for each person to re-register and provide personal identifiers each year. As mentioned above we are also testing Data Matching to understand whether this will help add more eligible people to the electoral register.

Aligning Northern Ireland legislation on IER with the rest of the UK

29. The move to IER in 2002 has resulted in a substantial body of separate legislative provision relating to electoral registration in Northern Ireland alone. The introduction of IER in Great Britain will allow for Northern Ireland law in this area to be once again more closely assimilated with mainstream UK law. Detail on some of the main differences between the electoral registration processes of Northern Ireland and Great Britain follow:
 - Registration – in Northern Ireland, an applicant must provide identifying information as part of the application process. This system will be adopted in Great Britain when IER is implemented but our current intention is that a signature will not be collected (see paragraph 50).
 - Proof of Identity – in Northern Ireland the Chief Electoral Officer may ask an applicant to provide physical evidence of their name and DOB; for example a birth certificate, driving licence or passport. In Great Britain no such evidence is required and nor will it be a requirement under

IER, although there may be forms of evidence required if a person is unable or unwilling to provide a National Insurance Number.

- Proof of address – in Northern Ireland the Chief Electoral Officer may ask an applicant to provide physical evidence (for example a driving licence or bank statement) that they are living at the address stated on their application form. No evidence of address is required in Great Britain but when IER is introduced the ERO will have to establish a link between the individual and the address.
30. There are two important factors that will need to be considered on assimilating law. The first relates to timing and when Northern Ireland should effectively 'opt-in' to the overall UK IER system. Clearly with IER already in operation, there will be no need for Northern Ireland to participate in any UK wide roll out. It would be more appropriate for Northern Ireland to be able to opt in to the UK wide scheme when IER has bedded-in fully in Great Britain. However, space should also be allowed for discussions to take place with the Chief Electoral Officer, the Electoral Commission and Government on the appropriate time for Northern Ireland to be governed by the provisions as set out in this draft legislation rather than the existing Northern Ireland provisions of the 1983 Act.
 31. Secondly, it is possible that some Northern Ireland specific provision may still be required to deal with the unique circumstances there. For example early discussions with the Chief Electoral Officer have indicated that there may still be a case for retaining the need for signatures in Northern Ireland and that much more work will need to be done on the implications of removing this requirement from primary legislation. Any positive or negative change in the security situation may also require the addition or removal of Northern Ireland specific legislative protections.
 32. There is currently no provision in this draft legislation to make any changes to the legislation which applies in Northern Ireland arising from the introduction of IER in the rest of the UK. However it is our intention to allow for such a provision in the final legislation. There are a number of ways in which this might be achieved that need to be considered further; but it is likely that this may include an order making power to make the necessary amendments. **In the meantime, we would welcome any views on the best approach to take on this issue.**

The Detailed Proposals

The current system of electoral registration

33. Currently 387 Registration Officers maintain electoral registers containing over 46 million elector records across the UK. In Great Britain there is no central database of elector records and nor do we have any plans to introduce one. The management of electoral registration is a function best carried out by EROs because they best understand the needs of their areas.
34. The system for registering to vote in Great Britain has remained substantially the same since the early twentieth century. Electors register to vote through the annual canvass of households conducted by EROs in the autumn of each year. Since 2001 electors have also been able to register at any time throughout the year under a system known as 'rolling registration'. In 2006 this system was adapted to allow electors to register up to 11 working days before an election when previously it would have been 6 to 8 weeks.
35. The purpose of the annual canvass is to help EROs to maintain their registers by identifying persons who are eligible to be included but are not registered, and those who are registered but no longer eligible. Canvass forms are often pre-populated with the information from the current register and a member of each household is required to either amend or confirm the information. The canvass forms are dispatched to households by post and the household may confirm details by post (and in many cases by telephone, SMS text or the internet where no changes have occurred). If changes are recorded on the form then it must be signed and returned to the ERO. There is no facility that allows for this information on changes to the register to be submitted in any other format. The register is compiled from these returned canvass forms and published by 1 December each year. Where a registered elector does not respond to the canvass they may be carried forward onto the new register for one year where an ERO has no evidence that they are no longer resident at that address.
36. Outside of the canvass period eligible electors can register using the rolling registration process, where they complete a form individually and send it to the ERO. These are processed and updates to the register are published each month from January to September. Applications received after the expiry date for the September register will be included in the register published on conclusion of the annual canvass.

37. The ERO is required to consider the content of each application for registration and make a determination on its inclusion in the electoral register based on a person's age, residence and nationality. Currently for both the canvass and the rolling registration processes no proof of eligibility is required, although an ERO may refuse to register a person if it does not appear that the applicant is eligible.
38. Under the Representation of the People Act 1983 those entitled to register to vote at UK Parliamentary Elections are British citizens, 'qualifying' citizens of Commonwealth countries (those who have 'leave to remain' in the UK or do not require such leave) and citizens of the Republic of Ireland. These citizens are also entitled to register to vote in European Parliamentary and local elections, as are EU citizens. If the ERO determines that an application meets these criteria, and that the applicant will be over 18 or reach the age of 18 within a year of the forthcoming 1st December and is resident in the ERO's area, then this person will be included in the electoral register.
39. Applications for registration made under rolling registration are subject to a five working day objection period, which allows another person to make an objection to the ERO about an applicant's pending inclusion in the electoral register before the ERO makes a determination. Applications to register made on the canvass form are not subject to the five day objection period and the determination is made by the ERO during the canvass period. However once an elector is included in the register another person can make an objection to the ERO at any time, prompting a review of the registration concerned.
40. For certain special categories of electors a different system is in place. These electors are primarily those who do not meet the residence qualification required for registration as an ordinary elector but may still obtain registration due to their particular circumstances. Special category electors include:
- overseas electors, who can be defined as British citizens resident outside the UK;
 - HM Forces Service voters;
 - Crown servants and British Council employees;
 - declaration of local connection electors, who include people living in the UK but who have no permanent address or have no residential address; and
 - anonymously registered electors, defined as those who can register anonymously because their safety would be at risk if their name appeared on the register.

Implementing IER in Great Britain

41. In developing these plans for implementation of IER we have consulted with various stakeholders including the Electoral Commission, AEA, SOLACE and devolved administrations. In addition, we have held discussions with organisations that have an interest in electoral matters, as well as groups who represent those least likely to be registered to vote, or who have specific requirements, including Scope and RNIB. To ensure data is handled securely we have discussed our proposals with the Information Commissioner's Office and organisations concerned about privacy. We are very grateful to all those who have contributed to these proposals and look forward to continuing our work with them as we develop detailed plans for implementation. **We also invite views from those who have not yet had the opportunity to engage with us.**

42. This draft legislation inserts new sections into the RPA 1983 to implement IER in Great Britain and replaces the legislation on IER passed by Parliament in the Political Parties and Elections Act 2009. The legislation deals first with the new requirements for individual registration and verification process (clauses 1 and 2), followed by the provisions relating to proxies, the annual canvass, transitional arrangements and then the more consequential and technical changes (although it should be noted that the draft legislation does not include the comprehensive consequential amendments to other legislation that would be included in a full bill).
43. In summary the measures set out in this draft legislation will:
- set out the steps an elector must take to apply to register under IER;
 - enable provision for the verification of electors making applications under IER;
 - set out how the annual canvass will operate when IER is in force;
 - set out the transitional arrangements for 2014 and 2015;
 - provide for a power to amend or abolish the annual canvass, subject to a further decision by Parliament; and
 - repeal sections 30-34 of the Political Parties and Elections Act 2009 (PPE Act) concerning the previous voluntary and compulsory scheme of IER that has not been commenced.

Applications for registration (Clause 1 and Schedule 1)

44. When IER is introduced, an application for registration must be made by each person individually to the ERO for the area in which they are applying to be registered. It will be a matter of choice for the individual if they wish to register. To help ensure forms are of a consistent standard and are user tested it is proposed that EROs will provide potential electors with forms in a format designed by the Electoral Commission for the purpose of registering.
45. To ensure that a range of channels for registration can be offered, and that the system can adapt to future developments, clause 1 has been drafted so that alternative ways of applying can be prescribed in secondary legislation. It is the Government's intention that this will enable EROs to accept individual applications, for example, by telephone or online. On receipt of an application for registration it must appear to the ERO that the person making the application is eligible, and that the application is being made by the person who is named. Details on how the process will be carried are set out in paragraphs 47 to 52 below.
46. **We would be grateful for views on whether this clause provides an appropriate legislative basis for the introduction of IER and the flexibility required for development of new channels for registration.**

Verification of entitlement to register (Clause 2)

47. A key element of the new system of registration is that an ERO should be satisfied that each application for inclusion in the electoral register is made in respect of a person who is eligible to register (including that the person actually exists), and that the person making the application is the person who is the subject of the application. As now, an ERO should also be satisfied that the

address in respect of which the application is made is genuine, but the process for registration should also establish that there is evidence of a connection between the individual and the address to determine residence.

48. An appropriate balance must be struck between security and accessibility. The process for registration must remain easy to understand and be universally accessible, but must be sufficiently robust to tackle fraud. Clause 2 of the draft legislation will achieve this by amending Schedule 2 of the RPA 1983 to provide powers to set out in regulations detail on the contents of an application for registration, including the evidence an elector must provide for the purpose of verification.
49. As part of the process of registration each individual will therefore be required to provide identifying information as part of an application to register to enable the ERO to satisfy these requirements. Our starting point, which is similar to the arrangements in the 2009 legislation, is to require each person to provide their NINO and DOB. The NINO and DOB can be checked against Department for Work and Pensions (DWP) or HM Revenue & Customs (HMRC) data to allow the ERO to assure himself that the application is made in respect of a real person. The identifying information should also satisfy an ERO that the person making the application is indeed the person who is the subject of the application. It is our intention to set out these requirements in regulations made under clause 2.
50. We have considered whether the requirement in the 2009 Act to provide a signature should remain. Our current intention is not to include this as a requirement because it does not add any significant security to an application nor is there the facility to verify the authenticity of the signature. Dropping this requirement will also enable registrations to be made through new channels such as online or by telephone. However we will continue to work with the Police and others to ensure that the new processes are as robust as possible. The legislation retains the option for a signature to be prescribed in regulations.
51. Regulations will also set out details on the exceptions process that EROs must follow in respect of those who are unable or are unwilling to provide the specified identifying information, or whose identifying information is not successfully verified when checked. It is important that this process is equally accessible and robust. Such electors will therefore be asked to provide other forms of evidence to satisfy the ERO such as a passport, photo driving licence, or other forms of approved documentation to be listed in the regulations. Our current thinking is that this will require two items from a specified list, including photographic identification; where an elector is unable to provide this an alternative would be to require non-photographic identification combined with attendance at the electoral office. We will study the approach taken in Northern Ireland where electors must already provide evidence to prove that they are resident but may sign a declaration if they are unable to provide any of their identifying information. We will also seek input from Electoral Administrators and others as we develop these proposals.
52. In time other forms of verification may become available which means that a person may not be required to produce their NINO and DOB when making a new application to register – the legislation has been drafted with this in mind. On 18 May 2011 the Government announced plans for the development of a consistent, customer-centric approach to digital identity assurance across all public services. The intention is to create a market of certified identity assurance services delivered by a range of private sector and mutualised suppliers so that people will be able to use the service of their choice to prove their identity when accessing any public service. The draft legislation will allow digital identity assurance to be used in future to verify an application to be added to the electoral register. Additionally it may be possible for verification to take place at local

authority level using similar local arrangements. We will monitor these developments with a view to improving the verification process if it helps to simplify the system and encourages more people to register.

New offence

53. As mentioned above, the Government will put secure handling of personal data at the heart of the new system. We are therefore proposing to introduce a new offence in regulations relating to the disclosure of any information provided for verification purposes – whether that is provided by the applicant, or provided by another authority (e.g. DWP) in response to a verification check. This would ensure robust protection for identifying information appropriate to the sensitivity of the information concerned. This offence would carry an appropriate penalty consistent with the similar offences relating to the unlawful disclosure of information under provisions in the Political Parties and Elections Act 2009. The level at which the penalty is set reflects the penalty for the unlawful disclosure of personal information held by the Department for Work and Pensions.

Address verification

54. As outlined above another key element of verification is that the address is a genuine one and that there is evidence of a connection established between the person and the address to determine residence.
55. EROs are already required to ensure that addresses on their register are matched with those on their Local Land and Property Gazetteer. This has helped EROs to verify that addresses at which people seek to apply to register are genuine residential addresses. This should continue to be sufficient for the purposes of the new legislation.
56. We envisage that evidence of a connection between an individual and an address should be established either by an individual responding to a direct invitation by an ERO which has been sent to a known address (for example via the current canvass process), or where an unsolicited application takes place (for example online), by the ERO seeking confirmation of registration by writing to the individual at their address. The ERO will create an audit trail through sending a document containing a unique identifying number (UIN), or code, in the post to the applicant. The applicant will be required to return the UIN or code to activate their registration. Processes will need to ensure that a UIN or code sent by post is not re-directed to another address because the value of this process lies in the fact that the post is delivered to and returned from a specific physical location.
57. In future it may be possible to dispense with this stage if verification of address can be carried out by other means. **In the meantime we would appreciate views on whether this should form part of the registration process and any impacts of requiring it.**

Checking nationality

58. When IER comes into force electors will be required to provide their nationality (as now) and their immigration status where relevant in their application form, so that the ERO can determine their entitlement to be registered. Under current legislation an ERO can request evidence of nationality from an applicant at any time. However we are exploring whether EROs can be given a facility to check nationality and immigration status with the United Kingdom Border Agency or another entity. **We would welcome views on whether the current system is sufficient for checking nationality or whether it should be improved.**

Destruction of records

59. Clause 2 will allow for the creation of regulations governing the retention and destruction of records associated with IER to ensure that personal information, such as the NINO or paper version of an application for registration, are not held for longer than it is needed. We anticipate that once an application has been verified the applicant's NINO will be destroyed within a period of 6 months. However we wish EROs to retain the DOB as this would be used to help to identify ineligible duplicate entries in another ERO's register and make the process of data matching the electoral register against other data sources easier.
60. If a person is resident in more than one place, dual registrations in the electoral register are allowed. For example students or persons working away from home. However where an entry remains in the register but a person has moved or registered at multiple addresses this may cause inaccuracies in the register that should be identified and removed. Checking a common name in all electoral registers could create thousands of matches making the process of identifying ineligible duplicate entries impossible. However the DOB would reduce the number of matches significantly and help to identify those ineligible duplicate entries that should be reviewed.

Provisions for the transition to the new system in 2014 and 2015 (Schedule 3)

61. The transition to IER must be handled carefully. Schedule 3 of the legislation details how the transition to IER will operate, including the canvass processes in 2014 and 2015. Learning from the experience of the overnight transition to IER in Northern Ireland we have designed a system that 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. Additionally from 2015 the annual canvass which is only mandatory in Northern Ireland every 10 years, will continue to check the accuracy and completeness of the electoral register. Following the canvass in 2014 the electoral register will consist of electors who have made an individual application under the new system as well as electors registered before 2014 but who have not yet registered under IER. Upon conclusion of the 2015 canvass the electoral register will consist only of electors who have been registered under IER, save for some Service voters – see paragraph 98 below. Full details of the transitional arrangements are outlined below.
62. In respect of other categories of electors: overseas electors, HM Forces Service voters, Crown servants and British Council employees, electors anonymously registered, electors making a declaration of local connection, such as prisoners held on remand in a penal institution and those registering as resident at a mental hospital or where they are held on remand (this does not apply to convicted prisoners) the process will be the same as it is now. The legislation covering such registrations will continue to fall outside of the annual canvass arrangements and last for a fixed period of time.

Amendment to current offences

63. It is currently an offence to fail to comply with a request for information from an ERO, or to give false information to an ERO. Any person that refuses to supply information is liable to a maximum fine of £1,000 under Regulation 23 of the Representation of the People (England and Wales) Regulations 2001 and the Representation of the People (Scotland) Regulations 2001 (RPR 2001).
64. While we strongly encourage people to register to vote the Government believes the act is one of personal choice and as such there should be no compulsion placed on an individual to make an application to register to vote. However it is important that everyone is given the opportunity to

register and understands what they must do if they want to apply. Upon implementation of IER in 2014 it will therefore be a personal choice whether to respond to the ERO's request to complete an IER application form.

65. The situation is different for a household canvass. If one member of the household does not reply it has the potential to disenfranchise others in the household who may be eligible to register to vote and for this reason we intend that the current offence under Regulation 23 of the RPR 2001 and the equivalent in Scotland will apply to the household canvass only, thus allowing those who fail to respond to an enquiry to be prosecuted, but not to those who choose not to return an individual application form.

Annual Canvass – 2014

66. Under these proposals the first IER canvass will begin on 1 July 2014 and conclude when the revised register is published by 1 December 2014. From 1 July 2014 onwards an ERO will send a personally addressed IER application form to every elector on their register. The canvass will no longer be tied to a reference date of 15 October as an IER application will be deemed made on the date it was signed by the applicant.
67. The revised electoral register published in 2013 and monthly updates from 1 January 2014, up to and including 1 July 2014 will identify those electors who should be sent a personally addressed individual IER application form during the canvass period. For households where there is no currently registered elector, or where the ERO is aware that the entry on the register is no longer correct, a form will be sent to the household to identify potential eligible electors. An alternative would have been to carry out a full household canvass in 2014, followed by a write out on conclusion of that canvass. However our view is that as well as being more expensive, and compressing the timetable for registration ahead of the 2015 General Election, a canvass followed by invitation risks confusing people who may not respond to an IER invitation having already responded to a canvass – believing that they have already done enough to register.
68. There may be a case for these applications to be issued by all EROs at the same time and possibly on the same day, or within a specified period so that the benefit of any public awareness campaign run by the Electoral Commission is achieved. **We have discussed this with the Electoral Commission and AEA and would welcome views from others on the timing of the first IER write out to individuals.**
69. 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. These duties will continue to apply. Non-responders to the write out should be sent at least one reminder and receive a visit from a doorstep canvasser if they ignore the request. The ERO will also still be required to undertake the appropriate steps under section 9A when conducting the annual canvass.
70. We propose that each individually addressed IER application form include an insert which asks for the details of any other occupants residing at the address who have not received an IER application form. This insert may also ask other occupants to make contact with the ERO. This approach will help to identify, for example, attainers and people moving into Houses of Multiple Occupation. Personally addressed IER application forms will be issued by the ERO to any person(s) recorded on a returned insert.

71. Any IER application forms returned undelivered by the Royal Mail will provide the ERO with information on whether an elector is no longer eligible to remain registered. There is potential for the envelope containing the application form to inform the household to 'return the envelope' if the elector is no longer resident, and for that person and others to 'make contact with the registration officer' if they are not registered.
72. In addition to the individual write out to registered electors the ERO will make enquiries (starting with sending a household enquiry form (HEF¹⁰) (see paragraphs 83 to 85) of all properties where no electors are registered, including new homes or residential properties where he thinks registered electors no longer live. They should ask for details of all persons living in the property. Non-responding properties will be followed up and the ERO may opt to send a doorstep canvasser if necessary. The ERO will also have the discretion to send a HEF to an address where they have also sent a personalised invitation to register.
73. Personally addressed IER application forms will be issued by the ERO to any person(s) identified from these enquiries. In the event that Data Matching is in operation and the ERO has details on the occupants of a property then personally addressed IER application forms may be issued instead of a household form. These forms could also include an insert as described above. Non responders must be followed up as required under the duty in section 9A of the RPA 1983.
74. The legislation will also allow provision to be made that will allow a person to respond to an invitation to register by indicating that they do not wish to be chased. This will enable the ERO not to ask them to register again during that canvass period. It will not be possible for an elector to declare that they do not wish to be registered on a permanent basis. This approach will ensure that people are not repeatedly asked to register during a canvass period when they have no intention of doing so and that EROs direct their resources to finding eligible electors who want to be registered.
75. Eligible electors who inform their EROs that they do not want to be chased up and invited to register will have their details held on a temporary list for the purpose of ensuring that no further contact is made within a specified period, such as during the annual canvass. This list will not be made available for inspection, will be created solely for the purpose of ensuring that the person's wishes are respected and will be destroyed within a specified period.

Carry forward arrangements in 2014

76. Electors who fail to respond to the first IER canvass in 2014 will be carried forward in the revised electoral register to be published upon conclusion of the canvass unless the ERO determines that the registration is ineligible. Additionally, any electors who respond but who fail to complete the application process successfully will be carried forward in the revised electoral register unless the ERO has evidence that they are not eligible. This will ensure that these groups of electors are registered to vote for the General Election in 2015.
77. Electors who were carried forward under existing arrangements in 2013 will be removed from the register if they fail to respond to the canvass in 2014. Where such electors do respond but fail to complete the application process successfully they will be carried forward in the next register unless the ERO has evidence that they are not eligible.

¹⁰ The legislation refers to 'canvass forms' for the 2014 canvass onwards. This document is in the White Paper referred to as the 'Household Enquiry Form' to make the distinction clear between the current canvass and the post 2014 canvass.

78. During the annual canvass of 2015 the ERO will send an IER application form to anyone who was carried forward in 2014 because they failed to respond to the canvass, or they responded but failed to complete the application process successfully. This group of electors will be reminded that if they fail to register under IER they will be removed from the electoral register when it is published.

Absent voting 2014-15

79. Electors with an absent vote who fail to register under IER in 2014 will automatically lose the right to use this method of voting and the ERO, as part of the write out and reminder process, must inform them of this fact. Electors who lose their absent vote may still be included in the published register under the carry forward arrangement mentioned above, which will allow them to vote at a polling station. Where appropriate EROs will notify electors who have lost their absent vote of the action they must take if they wish to have it reinstated: this will need a fresh application upon being registered under IER. These forms should be included with the notification.

Proxies (Clause 3)

80. Currently a nominated proxy only needs to be eligible to register for the election for which they have been nominated to vote. When IER comes into force a proxy must be registered under this new arrangement as well. For this reason Clause 3 of the draft legislation will introduce a requirement for the proxy to be registered under IER in either Great Britain or Northern Ireland.

The Annual Canvass from 2015 (Clauses 4 and 5)

81. From 1 July 2015 the annual canvass will continue to request data on all persons resident in every household in the local authority area by making an enquiry of each residence. As in 2014 any IER applications received at any time during the year will be subject to the verification procedures.
82. If an ERO has received information from another source, such as Data Matching at any time of year, which reveals changes to a household, for example new occupant(s), he must send a personally addressed IER application form(s). This will also apply when the information is received through canvass responses.
83. The first step in the canvass in 2015 (and in future years) will be for the ERO to send a HEF to every residential property within his area. This is similar to the current annual canvass process in that someone will be required to provide information on other residents. However any potential electors identified by this will be followed up individually by the ERO. As in 2014 the role of the canvass will be an exercise in gathering information which may prompt action by the ERO to keep the register up to date, however unlike in 2014 HEFs will be sent to all residential properties.
84. The HEF must be pre-populated by the ERO with the names of those electors currently on the electoral register at the address to which it is being sent. The timing of the dispatch of HEFs is expected to be a matter for EROs but we will want to consider whether in future this should be within a specified period to maximise the effects of any information campaign being run by the Electoral Commission.
85. There will be no requirement in 2015 (and subsequent years) for electors who have already registered individually and been verified to repeat the same process again. Instead, electors who have been authenticated will remain registered on a continuous basis unless either (i) they notify the ERO that their details have changed, (ii) the annual canvass suggests they are no longer resident, prompting the ERO to make a determination on whether the registration should continue

or (iii) information from other sources, including other information held by the local authority (and potentially in the future, Data Matching with national data), prompts the ERO to make further enquiries and consider whether to make a determination on whether the registration should continue.

Response to a household enquiry form

- 86.** Where the HEF is completed and returned to the ERO the information provided will be used to identify:
- a. those currently on the electoral register who remain eligible;
 - b. new occupants or attainers who should be invited to register to vote; and
 - c. electors who appear no longer to be resident because their pre-populated details have been deleted by the member of the household who completed the form.
- 87.** Where the HEF advises that there is no change in respect of a registered elector then that person's entry will be retained in the revised register unless the ERO has other evidence that the person is no longer eligible to be registered at that address. New occupants must be sent a personally addressed pre-populated IER application form inviting them to register. In relation to any person deleted on the HEF the ERO should consider whether to remove the person from the register.
- 88.** If a HEF is returned after publication of the revised register then the ERO must use this information to maintain the accuracy of the register. This may include making further enquiries in respect of any deletions on the form and sending fresh IER application forms to new individuals recorded on the form.

Non-response to a household enquiry form

- 89.** If there is no response to the HEF from a residential property during the canvass then the ERO must where appropriate follow the steps set out in s9A of the RPA 1983, including sending the form more than once and instructing a door step canvasser to visit the property. IER application forms issued to electors, but not returned, will also be followed up for a response.
- 90.** If a household fails to return a HEF by the conclusion of the annual canvass then the ERO must consider whether those currently registered individually still have an entitlement to remain in the electoral register to be published. Non response to a HEF should not automatically result in eligible electors being removed from the electoral register without some form of investigation by the ERO. Under the s9A duty the ERO should actively inspect records that they are permitted to inspect for the purpose of maintaining the register, and where there is doubt about an elector's entitlement to remain registered the ERO should undertake a review of the registration by following the reviews process set out in the RPR 2001.

Publication of the electoral register

- 91.** Upon conclusion of the 2015 annual canvass the ERO will be required to publish the revised electoral register by 1 December. This register will be made up solely of electors who have registered individually. Monthly updates under rolling registration arrangements will then take place, as now.

Power to amend or abolish the annual canvass (Clauses 6 and 7)

92. Provisions at Clause 6 will allow the amendment or abolition of the annual canvass in Great Britain, replacing current arrangements with limited canvassing or alternative methods for obtaining information in order to update the electoral register. Northern Ireland abolished the annual canvass in 2006 and now operates a system of 'continuous registration', under which a canvass is conducted every ten years or earlier if recommended by the Chief Electoral Officer and agreed by the Secretary of State. In between times the electoral register is updated using Data Matching, or by electors applying for registration under rolling registration.
93. The current canvass system in Great Britain operates via a household canvass on an annual basis; given that the majority of the population do not change address between canvasses it may be possible to replace this with a system which updates the register more efficiently and effectively. An alternative approach to maintaining the register could be similar to that in place in Northern Ireland. This will depend on the evidence on the effectiveness of Data Matching from this year's schemes and experience from the transition to IER. However at this stage there is no plan to change the canvass arrangements.
94. The timing of any change to the annual canvass is not fixed in this legislation. Instead there is a power to allow the Minister to introduce the change by order subject to the resolution of both Houses of Parliament. Before taking this step the Minister would notify the Electoral Commission, and within 3 months of that notification the Commission would be required to report to the Minister on any proposed change to the annual canvass. This report would be laid before Parliament with the draft order. Legislation will also allow for the canvass to be fully reinstated should that prove necessary in subsequent years.
95. **We would welcome views on our proposed approach.**

Special category electors, including Service voters

96. The new system of IER will affect all electors registering to vote in Great Britain, including special category electors such as: overseas electors, HM Forces Service voters, Crown servants and British Council employees, electors making a declaration of local connection and anonymously registered electors. An application can be made at any time during the year by these electors and once approved by the ERO is live for a period of one year (5 years for Service personnel and their spouses).
97. We have considered the impact of implementing IER on these groups and have recommended that at the time of being invited to renew their declaration (within 3 months preceding expiry) certain electors registered through special category elector arrangements will be invited to register under IER.¹¹ Those who fail to register under IER would drop off the register when their registration expires. Under this proposal electors with certain declarations would have been invited to register under IER by the end of July 2015. An alternative would be to invite these electors to register under IER when the canvass write-out commences in July 2014. However this could cause confusion for those that have had a registration approved in the preceding months who are then asked to re-register.
98. Service personnel and their spouses with a live Service declaration in force at the time IER is implemented will also not be required to provide their identifying information until their

¹¹ Reminders are not sent to electors who have registered as resident at a mental hospital or where they are held on remand.

declaration has expired. Just like other category of electors all new and subsequent applicants will be required to register individually prior to being placed on the register. This transitional arrangement will ensure that additional barriers are not put in place for this category of elector and means a Service voter may remain registered under a Service declaration until July 2019.

99. We will also look at improving electoral registration rates among Service voters. There is concern that at present registration among Service personnel is low and experience at the recent election illustrated the practical difficulties of Service personnel casting their votes while deployed overseas. While Service voters can register either as ordinary electors or by way of a Service declaration, levels of registration are low in comparison with the general population. The Ministry of Defence's Service Voter Survey 2009 estimated that 74% of Service personnel were registered to vote, and amongst those personnel stationed overseas this fell to 40%. Some of the Data Matching pilot schemes are therefore focussed on Service personnel in particular and the overall scheme design will look at how the electoral registration system can better support Service voters.

100. We would welcome views on our transitional proposals for special category electors.

Impact on the elderly, disabled or those in care

101. We recognise that the elderly and disabled persons, including those in care, may have special requirements arising from the new system as each person will now need to complete a form and provide identifying information if they wish to register to vote. This time burden may be extended to carers of the people falling into these groups. We have started discussions with those representing these groups and invite them, and others with similar issues, to work with us to help develop our detailed plans for implementation. The introduction of IER is an opportunity to modernise and improve our system of electoral registration, by enabling new channels for registration for example, and we hope that this in particular will help improve the accessibility of the system.