

**4. Registration of Electors Bill 2020 –
First Reading approved**

Mr Henderson to move:

That the Registration of Electors Bill 2020 be read a first time.

The President: Item 4, Registration of Electors Bill. I call on the mover, Hon. Member Mr Henderson.

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Mr Henderson: Gura mie eu, Eaghtyrane. I just want to check: I seem to be getting a couple of messages from the Clerk of Tynwald's Office about my voice quality, speech quality. I am just checking that you are able to hear me okay, sir.

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The President: Yes, it is very much better than it was a few minutes ago, thank you very much.

Mr Henderson: Before I move into the First Reading I am just checking that my voice is coming over the audio okay and you can hear me.

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The President Yes, Mr Henderson, you are far clearer now. That is working much better, thank you.

Mr Henderson: Gura mie eu, Eaghtyrane.

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I am pleased to move the First Reading of the Registration of Electors Bill 2020.

The maintenance of the electoral register is an essential part of ensuring that democratic elections can be held in the Isle of Man. The current system of registration is outdated and the intention is to replace it with a process that better reflects the needs of the Island's electors.

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Hon. Members, Eaghtyrane, it is important to provide some background about the existing arrangements before explaining the compelling reasons for the changes set out in this Bill. Under the current registration system, paper forms are posted to every household in the Isle of Man to establish the eligible electors living in each property. Up to 43,000 forms are sent out during the initial run, followed a few weeks later by approximately 20,000 reminders. Responsibility lies with the head of household to respond on behalf of every member of that household. This is to either confirm that the information held is correct, or to notify the Cabinet Office of any changes. There is, therefore, the potential for a person to be disenfranchised if the head of their household fails to respond to the canvass form. The current process is also costly and time consuming, and in the vast majority of cases it merely confirms basic citizen details already held by Government.

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The new legislation will improve the process for electors and make it more efficient for Government by moving to a new system based on individual and lifelong registration. The changes will result in a more accurate and complete register, supporting efforts to strengthen political engagement and increase turnout at elections. I will expand on these points in a moment.

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Eaghtyrane, the Bill has been informed by extensive stakeholder engagement, expert advice and public feedback. This has included a review of the Island's electoral legislation carried out by the Cabinet Office with the support of Mr John Turner. Mr Turner has a lifetime of electoral experience and served for many years as the Chief Executive of the Association of Electoral Administrators, the UK's leading professional organisation in electoral matters.

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Evidence and recommendations have been taken into account from a wide range of stakeholders, including the Tynwald Select Committee report on the Organisation and Operation of the General Election, the responses to two public consultations, a briefing for Members of

Tynwald and meetings with Keys election candidates, local authorities, political parties and returning officers.

645 The Bill has also been subject to some minor amendments during its passage through the House of Keys. These amendments were mainly technical in nature and do not change the overall direction of the Bill.

650 Eaghtyrane, the Registration of Electors Bill 2020 supports a new system based on the principle of individual and continuous registration, with the ability to verify information against other Government data. Individuals will be responsible for their own registration and for ensuring their personal details are accurate and up to date. It will be possible for electors to inform the Cabinet Office of any changes to their personal circumstances on a rolling basis, the most common being a change of address following a house move. Electors will remain on the register for life, or until such time as they cease to be an eligible elector. This effectively means
655 that electors will be removed from the register if they inform the Cabinet Office that they have permanently left the Isle of Man to live in another country, or if they die. A list of deceased persons is issued to the Cabinet Office each month for the purpose of updating the electoral register.

660 Individual and continuous registration will make it possible to move away from the traditional form of a full annual canvass, eliminating the need to print out and post more than 60,000 paper forms each year as happens under the current arrangements. In future, it will be possible to gather the relevant citizen information in different ways that will result in administrative savings for Government and less intrusion for our citizens, while strictly adhering to data protection rules.

665 The creation of a statutory gateway between the electoral register and the census will provide a highly secure and lawful means of sharing and matching certain data. Indeed, the Cabinet Office have completed a data privacy impact assessment and also contacted the Information Commissioner regarding aspects of the Bill. Our Bill drafter from the Attorney General's Chambers has also drafted the Island's data protection legislation, so is well versed in
670 data protection compliance, which has assisted greatly in the development of this legislation. This will enable electronic verification to take place of basic details, such as name, address and date of birth. If this process shows a data match, the elector will remain on the register and there will be no requirement for that individual to be contacted by the Cabinet Office. If the details do not match, the individual concerned will be contacted and required to update his or
675 her electoral information.

Full and interim censuses take place once every five years, with the next full census scheduled in 2021. It is expected that verifying electoral registration data against the census will return a high percentage of data matches, with no changes to many people's personal circumstances.

680 A pilot e-canvass project took place at the end of 2019 to enable people who had opted in to respond electronically to the annual update of the electoral register. This was a soft launch of the service and proved successful, with approximately 2,000 electors choosing to manage their electoral registration response in this way. There will be a drive to boost participation in future by encouraging more people to manage their register entry electronically. While data matching
685 and e-canvassing will be encouraged as the more efficient and cost-effective methods, the option of sending and receiving paper forms is being retained, recognising those who have no access to information technology, such as some of our senior citizens.

690 Eaghtyrane, I have set out the advantages of creating a legal gateway between the electoral register and the census. I wish to provide more background on this matter and also to reassure Hon. Members that this Bill expressly states that any processing of information must be in accordance with data protection legislation. Many countries allow access to data held by other Government agencies as a means of verifying or identifying potential electors. In the UK, electoral information provided by citizens is verified against the records held by the Department for Work and Pensions.

695 The concept of using existing Isle of Man Government records to verify data for electoral
 registration purposes was supported by 85% of respondents to the public consultation. Our
 citizens often voice their frustration at having to provide the same information multiple times
 across different Government Departments and services. Work is currently taking place to
 support the ‘tell us once’ principle of public administration, and the Registration of Electors Bill
 700 2020 has been drafted to allow for developments in this area. So, in the future, there will be the
 potential to provide cross-referencing for the electoral register via other gateways, again
 enhancing the register accuracy. In future, it may be possible to verify electoral registration
 details against Government data sources such as vehicle licensing or GP records, in addition to
 the census. I mention these merely as examples, and progress in respect of the ‘tell us once’
 705 project and which data sets could be ‘plugged in’ will be subject to full scrutiny and debate in the
 Branches at a later date.

While this forms part of the overall plans for a smarter digital future, the creation of a
 gateway between the electoral register and the census will achieve immediate benefits. This
 back-office process will provide a highly secure, confidential and lawful means of sharing basic
 710 information. It is already a legal requirement for Isle of Man residents to provide information for
 the census and for electoral registration purposes, so this proposal will not require any new or
 additional data or make any data available to new third parties.

Census information available for electoral registration purposes will be restricted to name,
 date of birth, address, a yes/no query in respect of the date of commencement of residency in
 715 the Isle of Man, and whether a person is nominated as a head of household or manager of a
 communal establishment. Having the ability to share and verify this very limited amount of
 commonly held citizen data will help to achieve more accurate and complete electoral registers,
 jury lists and demographics information, as well as reducing costs and streamlining
 administration. An example of the type of statutory gateway being proposed can be found in the
 720 Income Tax Act, which allows for the disclosure of information between the Assessor and the
 Collector of Customs and Excise.

Eaghtyrane, compulsory registration supports the principle that a complete and accurate
 electoral register is a critical part of the democratic process. While it is a legal requirement to
 provide information to the Electoral Registration Officer when asked to do so, the current Act
 725 does not explicitly state that it is compulsory for all eligible electors to be registered. This has led
 to some people mistakenly believing they do not need to be registered if they have no intention
 of voting in an election. The Registration of Electors Bill 2020 provides greater clarity by stating
 that all qualifying persons must be registered. The inclusion of a penalty for failing to provide the
 required information is a necessary element of the Bill. However, as an alternative approach to
 730 treating non-responses as a criminal matter, the Bill proposes to issue civil penalties along
 similar lines to parking offences. This system has been adopted in the UK since the introduction
 of individual electoral registration, with a penalty of £80 being imposed. An administrative
 process will be put in place to manage the issue and collection of civil penalties and to deal with
 appeals. This will be set out in regulations. The Cabinet Office will publicise the compulsory
 735 nature of electoral registration and also enter into dialogue with non-responders to explain the
 process. The focus will be on ensuring that people are on the electoral register and able to vote
 in elections, rather than on imposing financial penalties to generate an income for Government.

Knowingly providing false information is a more serious matter. It implies intent to commit
 electoral fraud and will continue to be dealt with as a criminal matter, with a fine not exceeding
 740 level 4 on the standard scale – that is a maximum of £5,000.

Eaghtyrane, the Bill supports the introduction of special arrangements to enable Isle of Man
 residents who are serving in the armed forces, studying off-Island or temporarily working
 overseas to be registered and to vote by post in an election. Provision will also be made for
 anonymous registration to help protect the identity of a person who is deemed to be at personal
 745 risk.

In future, the full register will be published annually and a monthly update, known as an alteration notice, will capture any additions, removals or amendments to the register. This rolling register will significantly cut down the time taken for an applicant to appear on the electoral register for voting and credit reference purposes.

750 In the month of an election, an updated register will be published seven days prior to polling day. This will apply for all national and local elections and by-elections, not just Keys General Elections as is currently the case. Anyone who fails to meet the deadline for the updated register will not be eligible to vote in the election, although there is discretion to allow for extenuating circumstances. I will repeat that, Eaghtryrane, just for the comfort of Members: there will be
755 discretion to allow for extenuating circumstances. This is to ensure that a person is not denied his or her franchise as a result of clerical error, for example.

The opportunity is also being taken to abolish the edited register. At present, this version of the register is commercially available without restriction and is often purchased by direct marketing companies. The abolition of the edited register is viewed as a positive move, as it will
760 restrict the sale of electors' details to third parties and protect them from receiving unsolicited mail.

I wish to indicate to Hon. Members that, subject to support for the Bill today, I intend to move some of the clauses together, grouped by subject, as they work together as a package. This will make it easier to provide an explanation via an overview for that group of clauses,
765 while allowing them to be voted upon separately at the sitting on 3rd June. Of course, if Hon. Members would like me to speak to a particular clause separately, I will be happy to proceed on that basis.

In conclusion, I would hope that Hon. Members can support the Bill. The proposals will modernise the Island's electoral registration system, streamline administration and reduce costs.
770 Importantly, it should enhance the numbers of people voting in any election going forward.

Eaghtryrane, I beg to move that the Registration of Electors Bill 2020 be read for a first time.

The President Hon. Member, Mr Mercer.

775 **Mr Mercer:** Thank you, Mr President.

I would like to add my thanks to all those who have engaged in the consultation process and those who have provided advice and expert review of the Island's electoral legislation.

This Bill forms an important part of the modernisation of our electoral system and support efforts to strengthen political engagement.

780 With that, I beg to second.

The President Hon. Member, Mrs Lord-Brennan.

Mrs Lord-Brennan: Thank you, Mr President, and thank you very much to the mover.

785 I welcome this Bill very much as a way of securing democracy and participation and streamlining the process.

I do have a small query, which is just a point of interest, really, and I am completely happy if the mover cannot answer it. It is of an administrative nature in connection with the practicalities of paper-based elements to do with electoral registration. Is this something that will still go off
790 Island for handling? I am only interested because I think that it used to be the Post Office that handled this and then it went off Island. I am just wondering where the handling of that will fit as we look to make sure that things fit in neatly with the census etc. and things like that, and how it works with data to those third parties in terms of handling the administrative and paper-based process. It is just a point of interest, really, as to how it will work versus how it has worked
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Thank you, Mr President.

The President Does any other Member wish to speak before I call on the mover to reply?
In that case, I put the question, which is that the Register of Electors Bill 2020 –

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The Clerk: Mr President, you were going to call the mover to reply.

The President Oh, yes, I call on the mover to reply. I beg your pardon, Mr Henderson.

805 **Mr Henderson:** Gura mie eu, Eaghtyrane. Thank you very much.

I would like to thank Mrs Lord-Brennan for her very interesting query and, to my knowledge, certainly if there is any third-party handling it will be open to procurement, but for clarity's sake I would like to call in one of our experts who has been behind this on the policy section. I would like to call in Mr Richard Parslow, please, just to give a little more explanation than my brief overview there, if I might.

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The President I call on Mr Parslow.

Mr Parslow: Thank you, Mr President, Mr Henderson.

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Just to explain a little bit more about that, there is an open procurement process every year, so we tender for the contract to handle the paper-based elements of the annual canvass for electoral registration.

Members may remember that two years ago the contract was awarded to Electoral Registration Services, which was a UK company. In previous years it has been the Isle of Man Post Office, and this year when it went out to open procurement on the Government portal the contract was again won by the Post Office, so they handled all the paper-based elements of the canvass this time round.

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Thank you.

825 **The President** Just for the record, Mr Parslow, could I ask you just to state your full name and job title, please?

Mr Parslow: It is Richard Parslow and I am Head of the Crown and Elections team.

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The President Thank you very much, sir.
Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

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Thank you to Mr Parslow for his clarification on that; I hope that assists with Mrs Lord-Brennan's query.

I do not think there is much else to add because I sense there is a large element of support for this, given the large advantages we are hoping to see from the new process.

I would just like to thank my seconder, Mr Mercer, for his assistance in the background with this, which is greatly appreciated.

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Gura mie eu, Eaghtyrane.

The President Thank you, Hon. Member.

I put, therefore, the question that the Registration of Electors Bill be read for the first time. I take Council to be in agreement; if there is dissent, please indicate. There being no dissent, the ayes have it. The ayes have it. The motion carries.

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