



Registration of Electors Bill 2020

Elections (Keys and Local Authorities) Bill 2020

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The maintenance of the electoral register is an essential part of ensuring that elections can take place.

The current registration system, in which a full postal canvass is conducted on a household basis each year, is outdated.

The Registration of Electors Bill 2020 sets out changes that will improve the system for electors and make it more efficient for Government.

Current arrangements

Under the current system, paper forms are posted to every household in the Isle of Man to establish the eligible electors living in each property.

Approximately 43,000 forms are sent out during the initial run, followed a few weeks later by up to 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 people to be disenfranchised if the head of household fails to respond to the canvass form.

The current process is also costly and time consuming and in many cases it merely confirms details already held by Government.

New arrangements

The changes proposed in the Bill support a new system based on the principle of individual and continuous registration, with the ability to verify information against other data held by Government.

Electors will remain on the register for life, or until such time as they permanently cease to be an Isle of Man resident.

Individuals – rather than the head of household – will be responsible for the accuracy of their information and it will be possible to make any revisions on a rolling basis.

Tell us once

Given the importance of having an accurate register of electors, it is standard practice in many countries to allow access to data held by other Government agencies as a means of verifying or identifying potential electors.

In the UK, for example, electoral information provided by citizens is verified against the records held by the Department for Work and Pensions.

At present, there is no similar provision in the Isle of Man.

Work is currently in progress to establish a framework to support the 'tell us once' principle of public administration.

This will require its own separate piece of legislation and there will be opportunities for members of the public to scrutinise the proposals as the project takes shape.

A proactive approach has been taken in respect of the Registration of Electors Bill 2020 to ensure that it is responsive to future developments.

In the years ahead it will be possible for a person's electoral registration details to be checked against another Government data set, subject to Tynwald approval.

This process will eliminate the need for a full postal canvass each year and will help to generate administrative and financial savings.

Entitlement to register

The entitlement to registration will remain the same.

Individuals are entitled to be registered if they have attained the age of 16, have had their usual place of abode in the Isle of Man for the preceding 12 months and are not subject to any legal incapacity to vote.

Compulsory registration

It has always been a legal requirement to provide information to the Electoral Registration Officer when asked to do so.

However, some people mistakenly believe they do not need to be registered if they have no intention of voting in an election.

The new Bill makes it clear that all qualifying individuals must be registered.

Publication of the register

The electoral register is currently published every quarter.

In future, the full register will be published annually and a monthly update – known as an 'alteration notice' – will capture any additions, removals or changes.

In the month of an election, this update will be published seven days prior to polling day.

This will apply for all national and local elections and by-elections, not just Keys elections as is currently the case.

Special categories

At present, there are no special registration arrangements for categories of electors who are unable to vote in person by reason of their employment or service.

The Cabinet Office is proposing to introduce categories for people serving in the Armed Forces, students studying off-Island and Isle of Man public servants and their families who are resident overseas.

This will entitle them to cast a postal vote.

Anonymous registration

Provision will also be made for anonymous registration to help protect the identity of a person who is deemed to be at personal risk.

Full and edited registers

The Cabinet Office is proposing to abolish the edited version of the electoral register, which is commercially available and sometimes used for direct marketing purposes.

Penalties

The current legislation provides for fines of up to £1,000 for people who provide false information or those who fail to provide the information required by the Electoral Registration Officer.

The new Bill includes a proposal to issue a civil penalty as an alternative to dealing with this as a criminal matter.

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Changes are being proposed within the scope of the electoral review that was carried out by the Cabinet Office with the support of John Turner, the former Chief Executive of the Association of Electoral Administrators.

The aim is to modernise the Island's legislation, as well as to address issues that have come to light during recent elections.

The Elections (Keys and Local Authorities) Bill 2020 proposes to repeal and replace the Representation of the People Act 1995 and the Local Elections Act 1986 – and to consolidate election rules within one single piece of primary legislation.

Such an approach should lead to more consistency, better understanding and greater transparency.

The Bill also proposes the introduction of new elements, including postal voting on demand and recall provisions for MHKs.

It should be noted that the Local Authority elections scheduled to take place in April 2020 will be run under the existing legislation.

Elections – timing and voting

The Bill maintains the current terms of office, with members of the Keys serving five years and members of Local Authorities four years.

It is proposed that national elections remain on the fourth Thursday in September and that local elections take place on the fourth Thursday in April.

Postal voting on demand

The intention is to introduce postal voting on demand in place of the current advance and absent vote systems used in national and local elections.

Postal voting was introduced in Great Britain in 2001 and has proved to be very popular.

At the UK General Election in 2017, 18% of all votes cast were postal votes, with the highest percentage being 44.3% in the Newcastle upon Tyne North constituency.

Proxy voting

It is proposed to retain proxy voting, but to try to restrict its use so that it is effectively a last resort for electors who are unable to vote in person or by post.

Returning Officers

The Bill proposes that the Chief Secretary becomes the Returning Officer for national and local elections.

This is intended to support a more coordinated approach to the organisation and administration of elections.

Deputy Returning Officers would be responsible for running elections at a constituency level. This is the role currently performed by local advocates.

Candidate expenses

In future it is proposed that all candidates for national and local elections will be required to submit a record of their expenses and donations – and for that information to then be made available for public inspection.

This approach is aimed at supporting transparency and establishing a level playing field for all candidates.

It is proposed that the current expense limit of £2,000 plus 50p per registered elector is increased in line with CPI.

The period covered by the returns commences one year before polling day.

Candidates – support of political parties

The requirement for Keys candidates to declare any Isle of Man political party affiliation on the nomination paper will be extended to apply to local elections.

Candidates will also be prohibited from accepting support or funding from parties outside the Island.

Meetings, manifestos and materials

It is custom for requisition meetings for Keys elections to be arranged and chaired by a Captain of the Parish on receipt of a petition signed by a certain number of electors.

However, the build-up to the 2016 election highlighted a lack of awareness of the process.

The Bill makes the Chief Secretary, as Returning Officer, responsible for making arrangements to hold one pre-election meeting per constituency for Keys elections and for the cost to be funded by Government.

The date, time and venue for these meetings can then be publicised well in advance to give electors every opportunity to attend.

The traditional requisition meeting process will still be available and candidates can also arrange their own election meetings, with the costs to be recorded as an election expense.

Treating

The subject of treating proved a contentious issue during the 2016 election.

In future, modest hospitality – such as tea, coffee and biscuits – will be allowed at campaign meetings, with the cost to be included as an election expense.

This will be highlighted in the updated guidance issued to candidates.

Manifestos

The Bill proposes to continue the current arrangements for manifestos.

Government will fund the delivery of one manifesto per household for each candidate, up to the value of a standard letter.

£65,000 was spent on postage in 2016, which represents a saving of more than £60,000 had the previous policy been retained of funding one manifesto per elector.

Election materials

There is a requirement to include the name of the printer and publisher on any election publication, as it serves to promote transparency.

However, given the move to using electronic media as well as printed material, the need for the name of the printer is now less relevant.

It is felt that it could lead to a lack of consistency in terms of published election material, so it is proposed to remove this requirement.

Election agents

The Bill makes provision for a candidate to appoint an election agent, if so desired.

In the UK, election agents take on key responsibilities such as submitting the declaration of expenses and donations, approving campaign literature and overseeing the polling and counting of votes.

Tellers

Evidence provided to the Select Committee referred to overcrowding outside some polling stations, with a suggestion that voters were reluctant to enter.

The Cabinet Office will work to ensure that presiding officers are aware of the scope of their powers and responsibilities on polling day.

A code of conduct will also be introduced to govern the activities of Tellers in order to reduce the possibility of people feeling intimidated.

Recall of members

The UK Recall of MPs Act 2015 allows for a recall petition to be triggered if a Member of Parliament is sentenced to a prison term or is suspended from the House for at least 21 days.

A petition is open for signing for eight weeks. If at the end of that period at least 10 per cent of eligible electors in that constituency have signed the petition, the seat is declared vacant and a by-election is held. The recalled Member is eligible to stand in the by-election.

The absence of recall provisions in the Isle of Man means that voters must wait until the next scheduled election to voice their opinions about a Member whose conduct may have fallen below acceptable standards.

The Bill proposes to follow the relevant sections of the UK legislation to provide Isle of Man electors with the power to trigger a by-election in certain prescribed circumstances.

Recall will only be possible in the event of a Member being sentenced to custody or being suspended for a specified period under the House of Keys Management and Members' Standards.

Legal proceedings

The current system provides for a private legal challenge to the result of an election by way of an election petition.

It is a complex process and cases could potentially take up to two years to resolve.

The Bill proposes to introduce an additional process to deal with election complaints that fall outside the existing election petition process.

This 'court of first resort' will enable genuine, often lower level complaints to be dealt with in a more timely fashion.

Also, if the Returning Officer concludes that the wrong person was declared 'duly' elected because of a procedural mistake, he or she currently has no powers to correct the error beyond advising the candidate affected by that mistake to lodge an election petition.

The Bill makes provision for the Returning Officer to be able to correct a procedural mistake in cases where it affects the result of the election.