EXPLANATORY MEMORANDUM TO

THE EUROPEAN PARLIAMENTARY ELECTIONS (FORMS) (NORTHERN IRELAND) REGULATIONS 2015

2015 No. [XXXX]

AND

THE LOCAL ELECTIONS (FORMS) (NORTHERN IRELAND) ORDER 2015

2015 No. [XXXX]

AND

THE NORTHERN IRELAND ASSEMBLY (ELECTIONS) (FORMS) ORDER 2015

2015 No. [XXXX]

AND

THE PARLIAMENTARY ELECTIONS (FORMS) (NORTHERN IRELAND) REGULATIONS 2015

2015 No. [XXXX]

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These instruments make changes to the voter-facing forms used in European Parliamentary, local, Northern Ireland Assembly and UK Parliamentary elections in Northern Ireland. The appearance of the forms is modernised to assist voters' understanding.

2.2 The forms being changed for all four elections are: poll cards; postal poll cards; proxy poll cards; proxy postal poll cards; proxy papers; certificates of employment; and declarations of identity (including for combined polls). Additionally, for European Parliamentary, local and Northern Ireland Assembly elections the ballot papers, directions for printing the ballot paper, declarations to be made by the companion of a voter with disabilities and guidance for voters are also being updated.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The voter-facing forms used at elections are separately prescribed in the corresponding elections rules for each election. Although the forms are broadly similar, under the existing law there are some differences between elections which can cause confusion for the voter, particularly in combined elections. To remedy this, the replaced forms are now as similar as possible in format and in content across all four elections.

5. Territorial Extent and Application

5.1 The Northern Ireland Assembly (Elections) (Forms) Order 2015 extends to the United Kingdom but it only has application in Northern Ireland. All the other instruments extend to Northern Ireland only.

6. European Convention on Human Rights

6.1 Dr Andrew Murrison, Parliamentary Under Secretary of State for the Northern Ireland Office, has made the following statements regarding Human Rights:

> "In my view the provisions of the European Parliamentary Elections (Forms) (Northern Ireland) Regulations 2015 are compatible with the Convention rights".
>
> "In my view the provisions of the Local Elections (Forms) (Northern Ireland) Order 2015 are compatible with the Convention rights".
>
> "In my view the provisions of the Northern Ireland Assembly (Elections) (Forms) Order 2015 are compatible with the Convention rights".
>
> "In my view the provisions of the Parliamentary Elections (Forms) (Northern Ireland) Regulations 2015 are compatible with the Convention rights".

7. Policy background

7.1 Forms for elections are one of the primary ways in which voters receive information about elections and are encouraged to participate in them. Some forms have become outdated and voters find some of the language used in forms hard to understand. As part of efforts to promote greater participation in elections across the United Kingdom, the Government is committed to making the process of voting as accessible as possible, while maintaining the security of the poll.

7.2 In recent years, the appearance of voter-facing forms has been modernised at some polls, such as the 2012 Police and Crime Commissioner elections and the 2011 referendum on the parliamentary voting system. In

2013, the European Parliamentary Elections (Amendment) Regulations 2013 introduced new forms for European Parliamentary elections in Great Britain.

7.3 The Government believes that there is value in using the same or similar forms for all elections in Northern Ireland to help avoid voter confusion by ensuring that information is provided in a consistent and recognisable format.

7.4 It is also the Government's view that voter-facing forms should be as similar as possible in all parts of the United Kingdom participating in an election, taking into account local differences in legislation. This helps to ensure the election is conducted fairly, for example by providing all electors with the same information, and can also increase a sense of shared participation.

8. Consultation outcome

8.1 The Government issued a public consultation paper, *Forms for Elections in Northern Ireland*, in April 2014. Seven responses were received including from the Electoral Office for Northern Ireland and the Electoral Commission. The Electoral Commission's response recommended that separate user testing be conducted in Northern Ireland. The Electoral Commission subsequently contracted Ipsos Mori during the summer of 2014 to conduct user testing of the forms proposed in the consultation paper. The report of this user testing is available at:
http://www.electoralcommission.org.uk/__data/assets/pdf_file/0009/177768/Electoral-Commission-Northern-Ireland-form-testing-report.pdf

8.2 A number of changes were made to the forms following the user testing in consultation with the Electoral Commission and the Chief Electoral Officer for Northern Ireland. The forms contained in these instruments reflect these changes.

8.3 The Electoral Commission has also been consulted on the instruments as required by section 7 of the Political Parties, Elections and Referendums Act 2000.

9. Guidance

9.1 The Electoral Commission and Chief Electoral Officer will continue to prepare and issue guidance relating to the conduct of elections.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies. An impact assessment has not been prepared for these instruments.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Government will work with the Electoral Commission, which has a statutory duty to report on the running of elections, and the Chief Electoral Officer for Northern Ireland to ensure that the new forms introduced in these instruments work effectively at elections.

13. Contact

13.1 Karen McNeill at the Northern Ireland Office Tel: 020 7210 6456 or email: karen.mcneill@nio.x.gsi.gov.uk can answer any queries regarding the instrument.

Northern Ireland Office
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