



Our Ref: MP623509

Lady Hermon MP
House of Commons
London
SW1A 0AA

10 November 2014

Dear Sylvia,

Thank you for your contributions to the debate on the Recall of MPs Bill during its second day in Committee on the 3rd November. I promised that I would write back to you on the question you asked around maintaining the security of postal votes in Northern Ireland.

I would like to reassure you that it is our intention that measures introduced to combat fraud in Electoral Fraud Act (Northern Ireland) 2002 will apply to the petition process: electors will be required to produce photographic ID at the petition signing place and where the petition is signed by post it must include identifiers (signature and DOB), which the Chief Electoral Officer for Northern Ireland (CEONI) must check against the identifiers provided by the elector when they applied for a postal vote. The CEONI can also make checks against the signature and DOB provided in the original application for registration.

You pointed out that there are normally restrictions on who can apply for a postal vote in Northern Ireland. As you will be aware, electors in Great Britain can apply for a postal vote on demand but in Northern Ireland electors are required to provide a reason relating to either, disability, work or education and their application must be attested by a person specified in legislation. Provisions in the Recall of MPs Bill will allow electors in Northern Ireland to sign the petition by post without the need to provide a reason because we recognise that signing a petition in person may raise concerns which may result in more people in Northern Ireland seeking a postal vote. Where as in an election the way in which the person has voted remains secret, this secrecy cannot be maintained absolutely through the process of signing a petition as there is only one way in which a person may sign (unless they spoil their signing sheet). It is likely that some electors in Northern Ireland may feel at risk if they are obliged to attend a petition place in person, because it will mean that their political views might then be publicly known. For this reason, the Bill allows postal voting on demand for recall petitions only. This is

why in pre-legislative scrutiny of the Bill, it was felt that providing a facility for remote signing will be important in Northern Ireland in respect of a petition, as in the rest of the UK. Should a recall petition result in a by-election, the normal postal voting restrictions would apply. The exact process for checking postal votes for recall petitions will be set out in regulations. We will work closely with the CEONI on the development of the detailed regulations which will follow the Bill's passage.

I would like to also take this opportunity to address two other important issues that you raised. Firstly, that concerning the process for challenging the result of the petition process if the MP – or anyone – has grounds to suspect fraud has taken place. Subsection (3) of clause 15 of the Bill provides that the result of a successful petition leading to the MP's seat becoming vacant is subject to regulations to be made under section 18 about the questioning of the outcome of the petition. I agree that it is important that there is an effective appeals process and we are currently reviewing the detail of how this would work in practice.

Secondly, the issue of transparency of donations to accredited campaigners. I would like to provide assurance that in general, accredited campaigners will have to submit details relating to donations in their petition return. The details specified are to be the same as those disclosed by political parties in their quarterly donation reports –this includes the name and address of the donor. However, as was rightly raised in debate, there is an exception where the donation is made to an NI political party. This is as a result of the decision to provide an exception for all registered parties (who are not minor parties) as reporting donations under recall would interfere with their normal quarterly reporting regime. Consequentially, a donation to a political party who is an accredited campaigner in a recall petition will be reported as part of that party's quarterly donation report. Under PPERA, reportable donations to NI registered parties (which are not minor parties) are verified by the Electoral Commission but are not made public. Accordingly, in that circumstance, a donation to an accredited campaigner at a recall petition would not be published. Donations to all other accredited campaigners at a recall petition in Northern Ireland would be published.

As you are aware, under the Northern Ireland (Miscellaneous Provisions) Act 2014 the Secretary of State for Northern Ireland can, through secondary legislation, amend PPERA to increase the transparency over donations. I understand that Northern Ireland Office Ministers are currently finalising their consultation with the Electoral Commission on the proposed new transparency arrangements and intend to bring forward such legislation before Parliament shortly.

I hope that this has addressed some of the concerns that you raised during the second day of Committee Stage of the Recall of MPs Bill. As the Deputy Leader mentioned during the debate, Ministers would be happy to meet with you to discuss any further

concerns. However you may wish to meet with Northern Ireland Office Ministers in the first instance to discuss the policy which they lead on surrounding electoral law and party funding in Northern Ireland. I would be happy to make arrangements via my office if you wish to take up this offer.

I am copying this letter to the Shadow Deputy Leader of the House of Commons and placing a copy in the libraries of each House.

A handwritten signature in black ink, appearing to read 'S. Gyimah', written in a cursive style.

SAM GYIMAH