

THE ELECTORAL OFFICE FOR NORTHERN IRELAND

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Secretary of State for Northern Ireland
Rt. Hon. James Brokenshire

BY EMAIL

21st December 2017

Dear Secretary of State

Following the UK Parliamentary elections in June 2017 as part of the routine post-election review I commissioned my staff to conduct an assessment of the use of absent voting and in particular, proxy voting. Numbers of voters applying to vote by proxy had increased significantly from 6 291 at the EU Referendum in 2016 to 10 346 for the Parliamentary elections in June 2017 which was almost twice the 5 434 figure from the last Parliamentary elections in 2015. There were 9 920 proxies appointed in the NI Assembly elections in March 2017 with 6 644 having been appointed in the previous 2016 NI Assembly elections. There was no obvious reason for the increase, which I discussed with both the Electoral Commission and the NIO sponsor branch after each of the elections in 2017. Electoral Office staff reviewed the statistics and operational practices which had been in place for all elections as well as the statutory basis upon which those practices were based. I also considered legal advice previously obtained on absent voting.

Any registered voter may apply to vote by proxy. There is no threshold to such application and therefore no statutory guide on what would be an acceptable level of use for an individual applicant. However statute does require that the Chief Electoral Officer, and in practice my staff, must be satisfied that the applicant could not reasonably be expected to attend the allocated polling station.

Having scrutinised proxy allocations for the past four Northern Ireland electoral events the two key reasons for such an application were working away from home and attendance at social events.

- Working away from home - 3767
- Attendance at social events including holidays- 1654

In reviewing the data in relation to the issue of 'working away' and the repeat applications I concluded that it is possible that there could be a lack of clarity about this route to proxy application. In future, a notice will be placed on the EONI website that this arrangement is for people who live in Northern Ireland ordinarily and happened to be working away on the day of the election. Beyond this clarification I plan more follow up to such applications

by EONI processing staff at the next election and capacity has been built into planning for such arrangements.

In relation to attendance at social events such as weddings, holidays etc., EONI found that across Northern Ireland 1 654 applicants for proxy applications had done so in at least four electoral events in a row. With my key duty to ensure confidence in free and fair elections EONI is publishing a notice on our website confirming that the proxy facility is not intended for the mere 'convenience' of voters but rather to allow a vote to be cast when a person could not reasonably be expected to attend the polling station. Plans have now been put in place for increased scrutiny at the next election and staff may follow up more on applications to secure further evidence as part of Electoral Office staff seeking to be reasonably satisfied. Every effort will be made to ensure that staff can be satisfied as to the statutory test and guidance is currently being prepared.

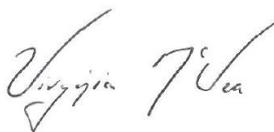
In terms of the use of proxies, the Crown Solicitor had previously advised the Chief Electoral Officer that no offence is committed until a person actually votes for more than two non-relatives. I intend to increase staff resources at election time to ensure that proxies referred to in more than two applications will be aware of the legal parameters.

EONI discussed the matter with the Electoral Commission and PSNI and in particular the potential for intimidation and also the risk that voters could submit the application as a matter of convenience rather than necessity. There was no significant concern in either agency of widespread intimidation nor indeed any instances produced to them at all.

The PSNI have returned with an update on cases relating to the election and potential fraud which were highlighted to them. They reported on a total of eleven cases and advised me that all but four of these were not proceeding due, for example, to no actual complaint or no evidence.

Should you require any further information in relation to the above matters I remain at your disposal.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Virginia McVea".

Virginia McVea
Chief Electoral Officer