

**EXPLANATORY MEMORANDUM TO  
THE REPRESENTATION OF THE PEOPLE (ANNUAL CANVASS)  
(AMENDMENT) (WALES) REGULATIONS 2020**

This Explanatory Memorandum has been prepared by the Local Government Democracy Division and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

**Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Representation of the People (Annual Canvass) (Amendment) (Wales) Regulations 2019 and Regulatory Impact Assessment. I am satisfied that the benefits justify the likely costs.

Julie James

**Minister for Housing and Local Government**

10 December 2019

## **PART 1**

### **1. Description**

1.1. These regulations amend the Representation of the People Act 1983 (“the 1983 Act”), the Representation of the People (England and Wales) Regulations 2001 (“the RPR 2001 E&W”) and the Representation of the People (Annual Canvass)(Amendment) Regulations 2019 (“the RPR 2019 Amendment Regulations”).

1.2. These amendments relate to the reform of the annual canvass. The changes remove the current requirement to canvass all households the same way which presently involves sending up to three full canvass forms with pre-paid pre-addressed envelopes, with the addition of a household visit where the property has not responded.

1.3. These changes will allow Electoral Registration Officers (EROs) to better focus their resources on households more likely to have experienced changes in composition, i.e. where additions to or deletions from the register are required. The Regulations will place a duty on ERO’s to undertake a data matching step using a national data matching service established by the Minister for the Cabinet Office. The establishment of this new step in the process will allow EROs some discretion over the conduct of their annual canvass of the electors on their electoral registers. It sets out new matched and unmatched property routes, one of which EROs must follow based on the results of their data match step, as well an exemption process for certain properties.

### **2. Matters of special interest to the Constitutional and Legislative Affairs Committee**

#### *Section 109 Order*

2.1. The Committee will be aware of the draft Section 109 Order which was approved by Parliament on 28<sup>th</sup> October 2019 and by the Assembly on 6<sup>th</sup> November. The purpose of that Order is to deal with two issues. Firstly, to allow provision about ERO’s to be made in Assembly legislation without the need to obtain Minister of the Crown consent and secondly, to provide clarity as to executive competence in relation to EROs in the context of the transfer of electoral functions under the Welsh Ministers (Transfer of Functions) Order 2018.

#### *The TFO and paragraph 12 of Schedule 7B*

2.2. Article 45 of the Welsh Ministers (Transfer of Functions) Order 2018 transfers existing Ministerial functions under certain pieces of electoral legislation to the Welsh Ministers. The functions that are transferred are those that are within “devolved competence” as defined by article 45 of that Order (that is, within the legislative competence of the Assembly).’

2.3 Paragraph 12 of Schedule 7B of GoWA 2006 provides that in any enactment, a reference to the legislative competence of the Assembly does not include provision that could be made in an Act of the Assembly only with the consent of a Minister of the Crown (under paragraphs 8-11 of Schedule 7B).

2.4. Paragraph 8 of Schedule 7B to the Government of Wales Act 2006 provides that a provision in an Assembly Act cannot confer or impose any function on a reserved authority; cannot modify the constitution of a reserved authority; and cannot confer, impose, modify or remove functions specifically exercisable in relation to a reserved authority; without Minister of the Crown consent. Paragraph 10 of that Schedule provides that a provision of an Act of the Assembly cannot remove or modify any function of a public authority (other than a devolved Welsh authority), unless the appropriate UK Minister consents.

2.5. EROs appointed under section 8 of the Representation of the People Act 1983 are considered to be a reserved authority for the purposes of the Act and are not included in paragraphs 9 or 10, which lists the reserved authorities to which specified consent requirements apply.

2.6. As a result, although the Assembly has legislative competence in relation to Assembly elections and local government elections in Wales, it cannot legislate for certain changes to electoral registration processes in Wales for devolved elections where such changes relate to the functions of EROs, without Minister of the Crown consent.

2.7. The combined effect of the consent requirements in paragraphs 8 and 10 of Schedule 7B, the way in which the TFO transfers functions relating to electoral legislation and the operation of paragraph 12 of Schedule 7B is considered to mean that those electoral functions relating to EROs were not transferred and cannot currently be exercised by Welsh Ministers under the TFO.

2.8. The section 109 Order will add to the exemptions at paragraph 9(6) and 10(2) of Schedule 7B “electoral registration officers (within the meaning given in section 8 of the Representation of the People Act 1983)”. The Order will also provide for certain functions of electoral registration officers in Wales to be treated as transferred to the Welsh Ministers under article 45 of the TFO from the date that the 109 Order comes into force.

#### *Timing of section 109 Order*

2.9. This instrument is laid prior to approval by the Privy Council to the making of the section 109 Order. Parliament approved the Order on 28<sup>th</sup> October 2019 and the Assembly approved the Order on 6<sup>th</sup> November. The motion to approve this instrument will not be scheduled for debate by the Assembly until such time that the section 109 Order is made.

#### *Section 39 Legislation (Wales) Act 2019*

2.10. This statutory instrument is made in reliance on section 53 of the 1983 Act and section 7 of the 2013 Act. The power in section 53 of the 1983 Act is a

power to make provision in subordinate legislation in the form of Regulations. The power in section 7 of the 2013 Act is a power to make provision by Order. Section 39 of the Legislation (Wales) Act 2019 is relied upon in order to make cohesive provision in relation to the reformed annual canvass in the form of Regulations.

### *Approach to Regulatory Impact Assessment*

2.11. The policy and implementation for canvass reform has been led by the UK Government who have funded the annual canvass in respect of the whole of the UK since 2014. The UK Government have produced and managed the policy, pilots, consultation and implementation processes with input from Welsh Ministers. With respect to the Regulatory Impact Assessment which accompanies this Explanatory Memorandum, we have inserted the financial impact assessment prepared for the whole of the UK by the UK Government. It is not possible to disaggregate this information to a Wales level.

## **3. Legislative background**

3.1. These Regulations are part of a package of statutory instruments that will ensure the same changes to the annual canvass are introduced across Great Britain. Legislative competence in respect of the UK parliamentary register is reserved. Legislative competence in respect of the local government register in Wales was devolved to the National Assembly for Wales by the Wales Act 2017. The Welsh Ministers (Transfer of Functions) Order 2018 as modified by the Government of Wales Act 2006 (Amendment) Order 2019, transferred to the Welsh Ministers functions exercisable by a Minister of the Crown in respect of the local government register in Wales, so far as those functions are exercisable within the Assembly's devolved competence.

3.2 The RPR 2019 Amendment Regulations makes provision for canvass reform in relation to the parliamentary register and local government register in England. Scottish Ministers are also taking forward equivalent changes in respect of the local government register in Scotland, with the intention that the changes for the whole of Great Britain come into effect at the same time.

3.3. In order to fully appreciate the changes introduced by the Representation of the People (Annual Canvass) (Amendment) (Wales) Regulations 2020, they should be read alongside the UKG Regulations, the RPR 2019 Amendment Regulations which were made on the 4<sup>th</sup> November 2019.

3.4. The requirement for an annual canvass to take place is set out in Sections 9A - *EROs: duty to take necessary steps* and 9D Maintenance of registers: *duty to conduct canvass in Great Britain* of the 1983 Act

3.5. Section 9A of the 1983 Act places a duty on EROs to take all the necessary steps to maintain their registers and secure, where reasonably practicable, all persons who are entitled to be registered are registered. The steps including sending the canvass form and making household visits on one or more occasion.

3.6. Section 9D of the 1983 Act places a duty on EROs to conduct an annual canvass in the area for which they act. The purpose of the canvass is to ascertain the names and addresses of persons entitled to be registered and those who are registered but are not entitled to be. The canvass must be conducted in accordance with relevant regulations and provides the ERO with the power to make household visits for the purpose of the canvass.

3.7. The canvass process was previously laid out in regulations 32ZA (*Annual Canvass*) and 32ZB (*Steps to be taken by a registration officer where no information in response to an annual canvass form is received in respect of a particular address*) of the RPR 2001 E&W.

3.8. The power to make the changes to the above provisions is found in Section 53 of the 1983 Act - *Power to make regulations as to registration etc.* and Schedule 2 to that Act - *Provisions which may be made in regulations as to registration etc.* and in Section 7 of the Electoral Registration and Administration Act 2013 - *Power to amend or abolish the annual canvass.*

3.9. The power in section 53 of the 1983 Act is a power to make provision in subordinate legislation in the form of Regulations. The power in section 7 of the 2013 Act is a power to make provision by Order. Section 39 of the Legislation (Wales) Act 2019 is relied upon in order to make cohesive provision in relation to the reformed annual canvass in the form of Regulations.

#### **4. Purpose and intended effect of the legislation**

4.1. The current canvass gathers information on potential additions to, changes to, and deletions from, the register. Since the introduction of Individual Electoral Registration (“IER”) in 2014 EROs must individually invite potential new electors to apply to register to vote, and verify their identity, before they can be added to the register. This process sits separately to the annual canvass but can, and generally does occur concurrently.

4.2. In its current form, the annual canvass prescribed in legislation focuses on process (e.g. the number of canvass forms to be sent to each household) rather than outcomes (e.g. the accuracy and completeness of the register). It is heavily paper based, inefficient and outdated, leaving little scope for digital innovation.

4.3. Pilots of alternative models for conducting the annual canvass were run in 2016 and 2017 in England, Scotland and Wales - Blaenau Gwent and Torfaen were pilot areas in Wales. Evaluation of the pilots makes clear that there is merit in enabling EROs to more effectively target their resources towards those properties where the occupiers have changed and the electoral register needs to be updated. A new canvass model has been developed based on the evidence from the pilots, feedback from our consultation and extensive engagement with key stakeholders.

4.4. The purpose of the canvass of households under the revised model will be the same as under the current model, that is to find out:

- the names and addresses of persons who are entitled to be registered but who are not already registered; and
- those persons who are on the register but who are no longer entitled to be registered at a particular address (normally because they have moved).

4.5. The intention is that the legislation governing the reformed annual canvass is less prescriptive and therefore more permissive than is currently the case. The objectives of canvass reform are:

- to make the process simpler and clearer for citizens;
- for EROs to have greater discretion to run a tailored canvass which better suits their local area;
- to reduce the administrative burden on EROs and the financial burden on taxpayers;
- to safeguard the completeness and accuracy of the registers;
- to maintain the security and integrity of the registers;
- to include the capacity for innovation and improvement, with a model that is adaptable to future change.

4.6. Because the annual canvass remains important the new model ensures that every residential property is contacted at least once during the canvass period to ensure there is the opportunity to report changes if required.

4.7. We do not intend to make any changes to the timing of the canvass. We wish it to remain a matter for EROs' discretion when they wish to start their canvass. The requirement to publish the revised register by 1<sup>st</sup> December each year will remain, as will the ability to defer publication of the revised register until 1<sup>st</sup> February if they hold an election in their area within the canvass period.

4.8. As highlighted above the Representation of the People (Annual Canvass) (Amendment) (Wales) Regulations 2020 are to be laid and made after the Regulations governing the non-devolved Parliamentary register - the Representation of the People (Annual Canvass) (Amendment) (Regulations) 2019. In order to fully appreciate the changes introduced by the Wales Regulations, they should be read alongside the UK Regulations.

### **Effect of Regulations**

4.9. Regulations 3 to 6 contain amendments to the Representation of the People Act 1983 which are necessary to bring it in line with the new canvass requirements that will apply to a register of local government electors in Wales. Section 9A of the 1983 Act places a duty on registration officers to take necessary steps for the purposes of complying with the duty to maintain registers under section 9 of the 1983 Act. Regulation 4 amends section 9A(2) to amend the steps which a registration officer may take in respect of a register of local government electors in Wales. Regulation 5 amends section 9D of the 1983 Act in order to provide the Welsh Ministers with a power by regulations to confer a function on the Electoral Commission to design one or more canvass communications. The amendments made to section 9D will also enable a registration officer conducting the canvass in respect of a register of local

government electors in Wales to make house to house enquiries to obtain information required by a canvass form. Regulation 6 amends paragraph 3C of Schedule 2 to the 1983 Act in order to provide the Welsh Ministers with power to make further provision by regulations authorising or requiring a registration officer for a local government register in Wales to take specified steps for the purpose of obtaining information when conducting the canvass.

4.10. Regulations 7 to 20 amend the Representation of the People (England and Wales) Regulations 2001.

4.11. Regulation 8 amends the definition of “digital service” in regulation 3(1) (interpretation) of the 2001 Regulations. The RPR 2019 Amendment Regulations amended the definition to include the purpose of data matching alongside the existing purposes of processing online applications under sections 10ZC and 10ZD of the 1983 Act and of verifying information under regulation 29ZA of the 2001 Regulations. Regulation 8 extends the application of the definition to a register of local government electors in Wales.

4.12. Regulation 9 revokes regulation 26(3)(eb)(applications for registration) in the 2001 Regulations in order to remove the requirement for what is referred to as the “single occupancy tick box” in relation to a local government register in Wales. This was introduced in 2016 as part of a set of cost reduction measures ahead of wider canvass reform. Where an elector has indicated that they are the sole occupant of the property, and where no other available information suggests otherwise, the ERO can choose to exempt the property from the next canvass (or the current canvass, if one is already underway). The original thinking was that this would reduce canvass costs as it would allow ERO’s to exclude a proportion of properties from the canvass cycle. However, in practice many electors were confused by the tick box which was understood to have resulted in incorrect reporting so that ERO’s were unwilling to rely on the tick box information and continue to send the Household Enquiry Form.

4.13. Regulations 10 and 11 revoke regulations 32ZA (annual canvass: register of local government electors in Wales) and 32ZB (steps to be taken by a registration officer where no information in relation to a response to an annual canvass form is received in respect of a particular address) in the 2001 Regulations which make provision in relation to the current annual canvass. The revocation of these provisions is consequential on the application of the new canvass process to a register of local government electors in Wales.

4.14. Regulation 13 of the Representation of the People (England and Wales) (Annual Canvass)(Amendment) Regulations 2019 inserts Regulations 32ZBA to 32ZBF into the Representation of the People (England and Wales) Regulations 2001 which make provision for the reformed annual canvass as it applies to the UK Parliamentary register and a register of local government electors in England.

4.15. Regulations 12 to 18 of these Regulations amends Regulations 32ZBA to 32ZBG in the 2001 Regulations so that they will apply, with some variations, to a register of local government electors in Wales. The text below describes the process as it applies in relation to a register of local government electors in Wales.

### **32ZBA Annual Canvass**

4.16. This regulation sets out the steps of the new canvass. Firstly EROs must complete the data match which is prescribed in Paragraph (1).

4.17. Secondly, they then follow the appropriate route for the property. Paragraph (2) makes it clear that the default canvass is the unmatched property route. However, paragraph (3) provides for two other processes, (the matched property route and the defined property route) as exceptions, which are described in paragraphs (4) and (5).

4.18. Paragraph (6) prevents an ERO from using the matched property route if the ERO has information indicating that only persons under the age of 18 are resident in the property.

4.19. Paragraph (7) defines the information EROs are required to take into account in determining whether to use the matched property route instead of the unmatched property route. These are the data match results and data the ERO holds on pending electors and recent electors. These are detailed fully in 32ZBD.

4.20. Paragraph (8) makes provision for EROs to take into account any other (usually locally-obtained) data which they have access to when informing their choice of process.

### **32ZBB Annual Canvass Data Matching**

4.21. As explained above, the new annual canvass will incorporate a mandatory 'data match' at the outset which will allow EROs to match the names and addresses of their registered electors against other data sources. The data match, detailed in paragraphs (1) to (9) involves data matching entries on the electoral register with a national data set held at the Department of Work and Pensions data warehouse.

4.22. The ERO is required to send the prescribed information they hold on electors on the register of parliamentary electors in England and Wales and the register of local government electors in Wales to the Individual Electoral Registration digital service ("IER DS") which is a Cabinet Office service. This information is then sent to DWP Data and Analytics for matching against a routinely extracted data set in its data warehouse. The results are then sent back to the IER DS, which in turn discloses the results to the ERO.

4.23. While the requirement for EROs to disclose information to the digital service in the first place is the responsibility of the devolved administrations in relation to the local government registers in Wales and Scotland, the remaining provisions, which set out the steps required for the data comparison, including the format and the infrastructure to be used, have been included in the UKG SI. The results of the data match, disclosed to EROs in accordance with paragraph (6) will relate both to the register of parliamentary electors in England or Wales and the local government register in Wales. Where those results relate to the local government registers, any further processing of these results by Welsh EROs is devolved.

4.24. Certain properties and electors are exempt from the data match step. These include in sub-paragraphs (7)(a) and (b) recently successfully determined electors (for a period of up to 90 days after determination), and in paragraph (8) special category electors, such as overseas voters and anonymous registrations.

4.25. Determined electors are those whose application to register to vote has been successfully determined by the ERO, but will not be added to the register until the next monthly alteration is published. Since they will not appear on the register at the point of that data match, the EROs will not submit their details for matching. In practice, the ERO will have discretion to set their own time period within which recently successfully determined electors are excluded. They will be able to set the time period from zero up to 90 days.

### ***32ZBC Processing of information in connection with annual canvass data matching***

4.26. Paragraph (1) makes clear that the results of the data match may only be used for registration purposes or if requested for legal proceedings and paragraph (2) details a new criminal offence for misuse of data shared under the new data matching step. This offence is very similar to the one already in place in respect of misuse of data transferred during the data verification step for registration (e.g. at paragraph (6) of regulation 29ZB of the RPR 2001).

4.27. Paragraph (3) sets out that the Minister for the Cabinet Office may impose requirements on any ERO or person who discloses information to the Cabinet Office as part of the data match step.

4.28. These requirements may cover the processing of data, including the transfer, storage and security of that information. Paragraph (4) clarifies that these requirements for the processing of data may be in respect of both the register of parliamentary electors in England and Wales and the local government register in Wales.

4.29. Paragraph (5) sets out that where the Minister for the Cabinet Office imposes requirements on the processing of information for the national data match step, this must have been done before the data match step is due to commence.

### ***32ZBD Annual Canvass for properties where it may be necessary to make any addition to, or deletion from, an electoral register and steps to be taken where no response is received***

4.30. Paragraphs (1) to (9) set out the unmatched property route, described in the policy section of the Regulatory Impact Assessment.

4.31. Guidance on the various options available to EROs as part of the unmatched properties route will be provided by the Electoral Commission in their *Guidance for Electoral Administrators*. This will cover the option to use electronic communications such as emails and text messages to try to increase response rates and close the cycle using less expensive and more innovative methods than the canvas form. Regulation 15 (d) of these Regulations will

insert paragraph (9A) to make it clear that where a date of birth is held by the ERO for a person under the age of 16, the form should not be pre-populated with that date of birth.

***32ZBE Annual canvass for properties where the registration officer is satisfied that it is not necessary to make any deletion from an electoral register and has no reason to believe that any additions to an electoral register may be required***

4.32 Paragraph (1) makes provision for the ERO to use the matched canvass process described in the policy section of the Regulatory Impact Assessment. This is set out in Paragraphs (2) – (6) of the regulation. Paragraph (3) gives the ERO the choice between sending canvass communication A to the property or sending an electronic communication to the property where the ERO holds the relevant contact details for at least one local government registers elector over the age of 16 at the property where they are eligible to vote in local government elections in Wales. Sub-paragraph (4A) requires the recipient of the communication to also provide the ERO with the date of birth of those who are aged 14 and 15 and eligible to be registered on the register of local government electors in Wales.

4.33. Paragraph (7) sets out that the ERO must change the method of canvassing a property from the matched property process if they have reason to believe that there may be changes that need to be captured. This is intended to cover situations where the ERO has become aware of a probable change to the register but has not received sufficient information to allow them to proceed with the normal additions or deletions processes.

***32ZBF Annual canvass for certain properties***

4.34. Some types of residential address are less suited to traditional canvassing methods as described in the policy section of the Regulatory Impact Assessment and so 32ZBF sets out this alternative process for certain properties. Properties eligible for this process will be identified at the start of the canvass process.

4.35. Paragraph (1) makes provision for this separate process – making clear that the ERO is only able to follow this process where they have been able to identify a responsible person at a property that falls within the scope of properties listed at paragraph (2).

4.36. Sub-paragraphs (2) (a) to (e) list specific types of property suitable for this process.

4.37. Properties with these types of characteristics could include army barracks, a hospital staff accommodation or a religious community. The requirement at the end of sub-paragraph (2)(f) is that the ERO must reasonably believe that using this exception process is more likely to enable them to fulfil the purpose of the annual canvass than either of the two other canvass processes.

4.38. Paragraph (3) makes clear that an ordinary block of flats, unless it falls under the definition of a house in multiple occupation (an HMO) under section 254 of the Housing Act 2004 and therefore within sub-paragraph 2 (c), would not be eligible for this process. This is to avoid this route being used too broadly for properties which should properly be canvassed using either of the two other canvass processes described above.

4.39. Paragraph (5) sets out the information the ERO must request from the responsible person. The ERO is able to gather the information by any means they feel appropriate, allowing them the discretion to use whichever method they feel is most effective. This is in line with the policy intention of allowing EROs greater discretion over the canvass to enable them to use the best method for the relevant property.

4.40. Paragraph (7) provides that if the ERO is unable to gather the required information within a reasonable time period, they must then revert to the unmatched property route for the relevant property.

### **32ZBG Electoral Commission requirements**

4.41. The duty created by regulation 32ZA has been expanded to place a duty on the Electoral Commission to design three types of paper canvass communications. In response to feedback from the public consultation, the information required on the form has been simplified and the discretion given to the Electoral Commission in respect of their design has been increased. As a result only information directly linked to the canvass is now prescribed. This will allow for forms that are clearer in purpose and remove some of the confusion citizens currently experience.

4.42. Subparagraph (1) (a) lists the two communications and the form:

*(i) canvass communication A.* This will be a paper communication for use during the matched canvass. It will only require a response if the recipient has changes to report in respect of the household.

*(ii) canvass form* (which must be accompanied by a pre-paid, pre-addressed envelope) will be used for the unmatched property route.

*(iii) canvass communication B.* This will be a paper communication alternative to the canvass form for use during the unmatched property route.

4.43. The Electoral Commission will, as now, provide these forms to registration officers who will be obliged, as now, to use the standardised versions. As is currently the case with the prescribed canvass form, these prescribed communications will be signed off by the Minister for the Cabinet Office. The Minister for the Cabinet Office will be required to consult Welsh Ministers on the forms to be used in Wales.

4.44. Paper canvass communication A is to be used for the matched canvass only. It is being left open to the Electoral Commission as to whether this

communication should take the format of a letter or a form. The policy intention is to allow the Commission some flexibility and to avoid being overly prescriptive. This communication will be pre-populated and, whilst it does not prescribe that this communication should be accompanied by a pre-addressed, pre-paid envelope, there is nothing in the law preventing an ERO from doing if they so wish. The minimum requirements for this communication are set out in paragraph (4).

4.45. The canvass form is to be used for the unmatched property route and therefore sent to properties where change is expected. It will therefore be similar to the form currently in use, the Household Enquiry form, but as again we have removed as much of the current prescription as possible. This provides the Electoral Commission with the maximum flexibility to design a form which elicits responses and picks up as much change information as possible. The minimum requirements for the form are set out in sub-paragraphs (5) (a) to (d) and (5A). (5A) will also require the canvass form to require the details of those who are aged 14 and 15 and eligible to be entered onto the register of local government electors in Wales in Wales along with their date of birth.

4.46. Canvass communication B is also for the unmatched property route. There is nothing in the legislation in relation to this communication other than that the ERO can send it as any one (or more) of the full canvass process contact stages and that the ERO must use the communication designed and made available by the Electoral Commission. This is intended to give the Commission flexibility to innovate.

4.47. Regulation 19 revokes Regulation 93A (3) in the 2001 Regulations. The electoral register lists the names and addresses of everyone who is registered to vote in public elections. The register is used for electoral purposes, such as making sure only eligible people can vote. It is also used for other limited purposes specified in law, such as: detecting crime (e.g. fraud), calling people for jury service, and checking credit applications. The open register is an extract of the electoral register, but is not used for elections. It can be bought by any person, company or organisation. This SI is removing the requirement to include details about the open/edited register on the canvass form. An individual will have been provided with relevant information to support that decision at the time of registering to vote.

4.48. Regulation 21 amends Regulation 20(1) of the 2019 Regulations so that the duty in paragraph (1) will apply to a registration officer in relation to a register of local government electors in Wales. Before the reformed canvass starts in July 2020 implementation plans include testing the data matching step. This will be a one-off test and will effectively be a dry run of what will happen following the reforms of the canvass. The purpose of conducting the test of the data matching step is to assist the successful implementation of canvass reform, by enabling ERO's to gain a better understanding of the match results they are likely to achieve in their area and therefore how many properties are likely to be canvassed using the matched and unmatched property routes.

4.49. Provision for the test is made in Regulation 20(1) to (8) of the 2019 Regulations and is almost identical to the provisions made for the data match itself. The only difference is that it is to be conducted "within the specified period", namely on a particular date or dates specified by the Minister for the Cabinet

Office. It is currently scheduled to take place early in 2020 once Welsh Government and Scottish Government Statutory Instruments have been made. The UK Government Regulations have already been made.

## **Risks**

4.50. Should this subordinate legislation not be made in the timeframe laid out there is a risk to a robust canvass posed by EROs potentially running two canvasses side by side, one for Parliamentary register of electors and the other for Assembly/local government register of electors. This is because the current canvass would apply to a local government register in Wales, which would be different to the new canvass which would be conducted in respect of a register of parliamentary electors. This is a considerable risk to the policy objectives of the Welsh Government and will incur costs for maintaining two canvasses side by side.

## **5. Consultation**

5.1. An 8 week UK wide public consultation was held on the Policy Statement from the 5 October to 30 November 2018. 82 responses were received from electoral administrators across the UK and stakeholders including the Association of Electoral Administrators, the Electoral Commission and the Scottish Assessors Association. Respondents were asked to answer 19 questions on various aspects of the policy. Responses to the policy proposals were overwhelmingly positive.

5.2. Section 8 of the Electoral Registration and Administration Act 2013, Section 53 (5) of the Representation Act 1983 and Section 7 (1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000 make it obligatory for the Secretary of State to consult with the Electoral Commission, the Information Commissioner and any other person the Secretary of State thinks appropriate. Section 8 of the ERA Act 2013 gives the requirements for the consultation with the Commission – for a period of no less than 3 months which includes the EC preparing a report which accompanies the draft SI.

5.3. The consultation with the EC on the Statutory Instrument began on 23 July 2019, the response was received from the EC on 18 November 2019. Welsh Government lawyers and policy officials worked with the Electoral Commission to identify and address any issues raised where appropriate.

5.4. The Wales Regional Office of the Information Commissioners Office was consulted on the 23 July and a response was received on the 2 October. The response recommended that a full DPIA be carried out in relation to Wales, in addition to the DPIA carried out on the whole of the UK by the Cabinet Office.

## 6. PART 2 - REGULATORY IMPACT ASSESSMENT

### Background

6.1. Electoral Registration Officers from all parts of Great Britain observed that the current annual canvass of electors is outdated and cumbersome. The one-size-fits-all approach is heavily paper based, expensive and complex to administer and leads to confusion for the citizen.

6.2. It was therefore agreed by all governments to modernise and streamline the process of the annual canvass to ensure that it is fit for purpose.

6.3. Pilots of four different models for conducting the annual canvass were run in 2016 and 2017 in England, Scotland and Wales. Blaenau Gwent and Torfaen were pilot areas in Wales.

6.4. Based on the evidence from the pilots, it was suggested that a hybrid model, taking the successful elements of each pilot, was the best way forward. Greater discretion would be conferred on Electoral Registration Officers (EROs) to shape the canvass to activities which best suit their local circumstances and to enable them to target the properties they believe need to have their electoral register details updated.

6.5. These proposals were shared in a joint consultation policy statement on Canvass Reform, undertaken by the Welsh, UK and Scottish Governments which closed on the 30 November 2018.

6.6. Under the current canvass EROs must send every residential address in their area a Household Enquiry Form and are required to follow up non-responses with two reminders and, if necessary, a household visit. Whilst the majority of households do not need to report a change in household composition, a response is required from every household. Where there is a change, an individual Invitation to Register is then sent, causing some confusion for the electorate by the two stage process.

6.7. The objectives of canvass reform are:

- to make the process simpler and clearer for citizens;
- for EROs to have greater discretion to run a tailored canvass which better suits their local area;
- to reduce the administrative burden on EROs and the financial burden on taxpayers;
- to safeguard the completeness and accuracy of the registers;
- to maintain the security and integrity of the registers; and
- to include the capacity for innovation and improvement, with a model that is adaptable to future change.

6.8. The new canvass model will incorporate a 'data discernment step'. This will inform the ERO as to which properties have an unchanged household composition, based on data available to them. The ERO will then be able to follow one of two routes.

**A: The matched property process:**

- This route is for properties where the registered electors have matched against other data, which indicates the household composition is likely to have remained the same since the previous years' canvass was conducted.
- EROs are able to send an e-communication (such as email or text message) to those electors registered at the property to confirm who is living at the property.
- The e-communication requires a response as it is to an individual elector rather than the property.
- If no response is received or no e-communication is sent (for example because the ERO does not have the relevant contact details) then the ERO is required to send a paper Canvass Communication A to the property. It will contain all the current elector details held by the ERO at that address. If there are no changes to report at an address, no response is required the resident is not required to respond.
- This route is simpler and cheaper than the current canvass process as it reduces the number of paper communications sent by the ERO.

**B: The unmatched property process:**

- This is for properties where results of the data match indicate that the household composition is likely to have changed since the previous canvass was conducted.
- This is considered the default process and requires the ERO to make at least 3 contacts with the property in order to gain a response from the residents to update their details. If they obtain the information at any stage in the cycle they are able to stop contacting the property.
- A 3 step chasing cycle is similar to the current canvass. However, there are a number of different ways EROs can make contact with the property, including the use of the paper letter, paper canvass form, e-communications, telephone calls and visits to the property.
- The paper canvass form will be similar to the current Household Enquiry Form and will contain all the information the ERO holds on all currently registered electors at the property. It will set out the ways electors can respond, for example via an online service, over the phone or by being returned to the ERO. It requires a response and is sent out with a prepaid pre-addressed envelope.
- EROs are not permitted to close the chasing cycle if this form hasn't been sent as one of the contacts.
- In line with the policy of allowing EROs great discretion over the way they run the canvass in their area, EROs may also choose to send Canvass Communication B (CCB) as one of the contact options. The content of CCB is not prescribed in the legislation and the Electoral Commission is responsible for the design of the canvass reform forms and communications, and it may be that CCB is designed as a letter rather than a form. In this case, EROs may choose to send CCB to try to reduce the number of canvass forms they need to send out, which require the inclusion of a pre-paid envelope, or to encourage electors to complete their response online.

### **C: The defined property process, new regulation 32ZBF:**

- This is for properties such as care homes and hostels where the required information can be obtained from a responsible person (that is, a person who lawfully holds information on the residents of the property and is legally able to share it) using whichever means the ERO thinks is appropriate. This may include the use of a paper communication, a visit to the property, telephone call or electronic means. The type of properties that may be included within this process are set out in the legislation.

6.9 Under the reformed canvass, every property will still receive a written communication if there has been no response to an individual communication and the ERO has been unable to update the information it holds in respect of that property on the register(s). This is to safeguard the completeness and accuracy of the register. The main difference under the reformed canvass though, is that the properties where the ERO is satisfied there are no changes to be made, do not need to respond to the paper canvass communication, and will not receive a follow up process.

### **Options**

6.10. In drafting this regulatory impact assessment, two options have been considered:

- Option 1 – Business as Usual
- Option 2 – Modernise and streamline the process of the annual canvass to ensure that it is fit for purpose.

### **Option 1: Business as usual**

#### *Description*

6.11. Option 1 would introduce no extra change. In its current form, the annual canvass prescribed in legislation focuses on process (e.g. the number of Canvass Forms to be sent to each household) rather than outcomes (e.g. the accuracy and completeness of the register). It is heavily paper based, inefficient and outdated, leaving little scope for digital innovation.

6.12. Electoral Registration Officers (EROs) must send every residential address in their area a Household Enquiry Form and are required to follow up non-responses with two reminders and, if necessary, a household visit. Whilst the majority of households do not need to report a change in household composition, a response is required from every household.

6.13. It is likely UK Government will move ahead with canvass reform regardless of whether Wales does. Were Wales then not to make the changes, it would mean two canvasses running side by side – one for the non-devolved Parliamentary register and one for the devolved local government register.. This will also mean electors being sent information on both canvasses, causing

considerable voter confusion. In 2018/19, the UK Government Cabinet Office provided £0.7M to Welsh local authorities to cover the additional costs of Individual Electoral Registration. Should canvass reform not proceed in Wales this is a possible additional cost to Welsh Government.

**Option 2: Modernise and streamline the process of the annual canvass to ensure that it is fit for purpose.**

*Description*

6.14. The new canvass model will incorporate a 'data discernment step'. This will inform the ERO as to which properties have an unchanged household composition, based on data held by other sources. The ERO will then be able to follow one of two routes. Route 1, for properties in which the data suggests no change in household composition and Route 2 for properties where data does not support the information the ERO currently holds for the property.

6.15. Properties where the data indicates no changes will still receive contact from the ERO but a crucial difference is that a response is not required, nor is the resource intensive process of follow up processes. This will allow the process to be streamlined for the households that do not change each year and enable the ERO to target their resources to where responses and updates to the electoral register are required.

**Costs and benefits**

6.16. The policy and implementation for canvass reform has been led by the UK Government who have funded the annual canvass in respect of the whole of the UK since 2014. The UK Government have produced and managed the policy, pilots, consultation and implementation processes with input from Welsh Ministers. With respect to the Regulatory Impact Assessment which accompanies this Explanatory Memorandum, we have inserted below a summary of the financial impact assessment taken directly from the Impact Assessment prepared for the whole of the UK by the UK Government and published on the legislation.gov.uk website. It is not possible to disaggregate this information to a Wales level for the reasons set out in paragraphs 6.17 to 6.19. The best estimate for the net benefit across the UK is £170.9M over the ten year period from 2020/21 to 2029/30.

## Summary

<b>Title:</b> The Representation of the People (Annual Canvass) (Amendment) Regulations 2019 <b>RPC Reference No:</b> n/a <b>Lead department or agency:</b> Cabinet Office <b>Other departments or agencies:</b> n/a <b>IA Number:</b> CO2018	<b>Impact Assessment (IA)</b>
	<b>Date:</b> 01 October 2019
	<b>Stage:</b> Final
	<b>Source of intervention:</b> Domestic
	<b>Type of measure:</b> Secondary legislation
<b>Contact for enquiries:</b> Constitution Group Analysis, Cabinet Office <a href="mailto:cg-analysis@cabinetoffice.gov.uk">cg-analysis@cabinetoffice.gov.uk</a>	
<b>Summary: Intervention and Options</b>	<b>RPC Opinion: Not Applicable</b>

Cost of Preferred (or more likely) Option: Option 1 – Canvass Reform			
Total Net Present	Business Net Present Value	Net cost to business per year	Business Impact Target Status
£170.9m	n/a	n/a	Non qualifying provision

### What is the problem under consideration? Why is government intervention necessary?

The canvass gathers information on potential additions, changes and deletions to the electoral register. It is heavily paper-based and outdated. All properties must respond to the canvass even if they have no changes to report. If they fail to respond, they enter a comprehensive chasing cycle of reminders and personal door-knocking. This is costly, inefficient, and often confusing for electors when faced with both the annual canvass and Individual Electoral Registration (IER). Intervention is necessary to amend the canvass by amending the legislation.

### What are the policy objectives and the intended effects?

These reforms continue to work towards an electoral registration system which is modern and digitally enabled. The reforms will reduce prescriptive regulation which will empower Electoral Registration Officers (EROs) to tailor their services to their local electorate, maximise electoral registration – particularly among under-registered groups – and, ultimately, reduce if not fully offset the additional costs generated by IER. The reforms are designed to at least maintain the accuracy and completeness of the electoral register as it is currently.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

Pilots of alternative models for conducting the canvass were undertaken in 2016 and 2017 trialled four models across 27 local authority areas in England, Scotland and Wales as part of a randomised control trial (RCT), which built a robust evidence base for reform to the annual canvass. The evidence base indicates the one-size-fits-all approach that currently exists, which incorporates numerous prescribed steps, takes little account of differences within and between registration areas. It is heavily paper based, expensive and complex to administer. Finally, it is a process that leads to confusion for the citizen. All participating authorities believe the current canvass should be modernised. Based on the evidence from the pilots, we believe that a hybrid model, taking the successful elements of each and refining certain processes, is the best way forward, Canvass Reform, Option 2 – our preferred option.

**Will the policy be reviewed? It will be reviewed. If applicable, set review date: 2022**

Does implementation go beyond minimum EU	N/a			
Is this measure likely to impact on trade and investment?	N/a			
Are any of these organisations in scope?	<b>Micro:</b> No	<b>Small:</b> No	<b>Medium:</b> No	<b>Large:</b> No

## Summary: Analysis & Evidence

Policy Option 1 – continue the current canvass

### Description: FULL ECONOMIC ASSESSMENT

Price Base FY20/21	PV Base FY20/21	Time Period 10 years	Net Benefit (Present Value (PV)) (£m)		
			Low: N/a	High: N/a	Best Estimate: N/a

COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	n/a	10	n/a	n/a
High	n/a		n/a	n/a
Best	n/a		n/a	n/a

#### Description and scale of key monetised costs by 'main affected groups'

Costs have not been monetised above as this is the baseline against which other options are assessed.

There are two types of costs involved in the existing canvass process:

- Outward correspondence: Cost of issuing initial and reminder Household Enquiry Forms (HEFs) and undertaking HEF related household visits as part of the HEF cycle; and
- Inward processing: Cost of receiving and processing HEFs responses.

The main affected group are the EROs who have legal duty to maintain the register therefore local authorities and valuation joint boards are affected.

#### Other key non-monetised costs by 'main affected groups'

Not applicable.

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	N/a	10	N/a	N/a
High	N/a		N/a	N/a
Best	N/a		N/a	N/a

#### Description and scale of key monetised benefits by 'main affected groups'

Not applicable- this is the baseline against which other options are assessed

#### Other key non-monetised benefits by 'main affected groups'

Not applicable.

Key assumptions/sensitivities/risks

3.5

The current canvass has been on-going in its current format since 2014. We hold good information to estimate the parts of the current canvass which are in-scope of the reforms. Assumptions, where used in the modelling, are described throughout.

## Summary: Analysis & Evidence

Policy Option 2 – implement a reformed canvass

### Description: FULL ECONOMIC ASSESSMENT

<b>Price Base</b> FY20/21	<b>PV Base</b> FY20/21	<b>Time Period</b> 10 years	<b>Net Benefit (Present Value (PV)) (£m)</b>		
			<b>Low: £90.3m</b>	<b>High: £262.5m</b>	<b>Best Estimate: £170.9m</b>

<b>COSTS (£m)</b>	<b>Total Transition (Constant Price) Years</b>		<b>Average Annual (excl. Transition) (Constant Price)</b>	<b>Total Cost (Present Value)</b>
<b>Low</b>	0	10	- £10.9m	- £90.3m
<b>High</b>	0		- £30.9m	- £262.5m
<b>Best</b>	0		- £20.3m	- £170.9m

#### Description and scale of key monetised costs by 'main affected groups'

Amending the regulations will allow for a new model of the canvass. The costs above represent the savings relative to the counterfactual.

The reformed Canvass will have a data match step at the start of the canvass which dictates which "Route" a property should follow, but in general a variety of communication methods, such as by paper, e-communication, and telephone will be sent to households. The appropriate mixture of communications is for local EROs to decide. The data match step will bring cost-savings because matched households will receive only one piece of communication. Implementing Canvass Reform means the legislation governing the annual canvass becomes less prescriptive, allowing EROs more scope to innovate and adapt their canvass to best fit the needs of their local residents including cheaper e-communication.

#### Other key non-monetised costs by 'main affected groups'

Not known

<b>BENEFITS (£m)</b>	<b>Total Transition (Constant Price) Years</b>		<b>Average Annual (excl. Transition) (Constant Price)</b>	<b>Total Benefit (Present Value)</b>
<b>Low</b>	n/k	10	n/k	n/k
<b>High</b>	n/k		n/k	n/k
<b>Best</b>	n/k		n/k	n/k

#### Description and scale of key monetised benefits by 'main affected groups'

As the objective of the proposed policy is to at least maintain the accuracy and completeness of the electoral register, the benefits of Canvass Reform for the simplicity and purpose of this impact assessment is set as zero.

#### Other key non-monetised benefits by 'main affected groups'

Not known.

Key assumptions/sensitivities/risks rate (%)	Discount	3.5
<p>The reformed canvass, Canvass Reform, has <u>not</u> been piloted in exactly the form being proposed. To inform our estimates we have used information from the internal data collected from the local authorities in 2019 alongside on-the-ground intelligence and unpublished data from the Electoral Commission. Assumptions which have particularly high impacts on the cost estimates and therefore proposed cost-savings of Canvass Reform are discussed in detail. Other assumptions, where used in the modelling, are described throughout.</p>		

6.17 The analysis explains the modelling behind the expected cost savings generated by Canvass Reform. Our volumes and calculations of costs in the following subsections have been rounded to the nearest ten, hundred, thousand or million. Some figures may not sum precisely due to rounding. Unless mentioned, all costs mentioned are associated with local government (local authorities and valuation joint boards).

6.18. As outlined above, Canvass Reform introduces autonomy in the system. This makes it difficult to predict how individual local authorities and valuation joint boards will react to the opportunities presented by Canvass Reform. In turn, *this means we cannot say with absolute certainty the scale of savings that will be generated at a local authority or valuation joint board level.*

6.19. As such, in this analysis, we make assumptions that are applied to local authorities to estimate the cost savings generated on a macro, Great Britain-level. We present a range of scenarios, starting from pessimistic scenarios (such as where local authorities do not adopt cost-saving measures immediately) through to ambitious ones (where they use more cost-efficient measures from the introduction of the reform).

<b>Summary of savings scenarios</b>				
<b>Table 1: Summary of cost-saving scenarios</b>				
	Low saving scenario	Central low saving scenario <sup>1</sup>	Central high saving scenario	High saving scenario
<b>Financial years 2020/21 – 2029/30</b>				
Cost saving (current canvass average annual – reformed canvass average annual)	£10,900,000	£20,300,000	£20,600,000	£30,900,000
<b>Financial year 2020/21</b>				
Year 1 cost saving (current canvass – reformed canvass)	£4,100,000	£10,400,000	£10,700,000	£17,300,000
Year 1 cost of the current canvass	£53,800,000	£55,300,000	£55,300,000	£56,800,000
<i>Key factors:</i>				
<i>Staff wage unit cost (per minute)</i>	£0.24	£0.27	£0.27	£0.30

<sup>1</sup> This is used as the Best Estimate in the summary sheets at the start of this impact assessment.

Year 1 cost of the reformed canvass	£49,700,000	£44,900,000	£44,600,000	£39,600,000
Key factors:				
Scenario used in Route 1 and Route 2	Largely paper based – in line with existing canvass	Largely paper based – in line with existing canvass	Digitally based – making use of new opportunities	Digitally based – making use of new opportunities
Sensitivity – Data match rate	55%	65%	65%	75%
% of properties in Route 3	2.00%	1.00%	1.00%	0.13%
Staff wage unit cost (per minute)	£0.24	£0.27	£0.27	£0.30
Time taken to realise staff costs	3 years	2 years	2 years	1 year

<b>Table 2: Present value cost estimates, financial years 2020/21 – 2029/30 (base year: 2020/21 prices)</b>				
	<b>Low saving scenario in reformed canvass analysis</b>	<b>Central low saving scenario in reformed canvass analysis</b>	<b>Central high saving scenario in reformed canvass analysis</b>	<b>High saving scenario in reformed canvass analysis</b>
Overall option 1: reformed canvass	£427,100,000	£360,900,000	£358,100,000	£283,800,000
Comparison to counterfactual: current canvass	- £90,300,000	- £170,900,000	- £173,700,000	- £262,500,000

## 7. Consultation

7.1. See section 5 of Part I for background to the consultation.

## 8. Summary of Policy Assessment

8.1. The annual canvass gathers information on potential additions to, changes to, and deletions from, the electoral register. The changes to the canvass includes a data matching step at the start of the canvass which will inform Electoral Registration Officers (EROs) which properties have and have not changed household composition, based on data held by other sources. The reforms to the annual canvass will not impact on the process for registering as an elector but rather will focus on the initial information gathering phase.

8.2. Changes to the annual canvass within this assessment are taking place at the same time as other by other electoral reform which may need to be considered alongside.

8.3. One of these changes is the increase in the franchise through the Senedd and Elections (Wales) Bill and the recently introduced Local Government and Elections (Wales) Bill which reduce the voting age to 16 for Senedd and Local Government elections. This will mean that all 16 and 17 year olds residing in Wales and some 14 and 15 year olds (if they will achieve the age of 16 during the period the register is in force) will be added to the electoral register. The Representation of the People (Annual Canvas) (Amendment) (Wales) Regulation 2020 anticipate this change in the age of those who are enfranchised so that the new canvass in Wales works for all of the electorate.

8.4. If we accept the definition of a child as being a person who has not yet reached the age of 18 (as per the Social Services and Well-being (Wales) Act 2014 and Article 1 of the UN Convention of the Rights of the Child), then the

changes to the annual canvass will directly impact on a specific group of children: the large proportion of 16 and 17 year olds who will be included in the electoral register and will be able to vote.

8.5. Whilst all articles of the UNCRC were taken into consideration when making changes to the annual canvass the two articles below have been at the forefront of the analysis.

#### Article 12

8.6. Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.

#### Article 16

8.7. Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

#### *Positive Impacts*

8.8. In order to exercise their rights to say what they think should happen and have their opinions taken into account (i.e. to vote), 16 and 17 year olds will first need to be added to the electoral register and canvass reform expedites that process by reforming the whole canvass so that EROs are able to spend less time on canvassing households where there is no change and focus their resources on identifying those who are not yet registered in order that they may be invited to register.

#### *Possible Negative Impact and mitigation actions*

8.9. EROs are required to ensure the completeness and accuracy of the electoral registers. In relation to age, a potential negative impact of the new Route 1 canvass (Light Touch) is that those who have recently turned 16 and not yet registered may be missed in the annual canvass. This is because the Route 1 paper communication will not require a response if the household has no changes in composition to report and also that only information on those who are already registered will be sent of data matching.

8.10. In order to mitigate this, the design of communications as part of the reforms will include the development of clear messaging. However, the communication will also include a prompt to inform the ERO if there is a person who should be registered residing at the property, who has not yet registered. The responsibility for designing communication lies with the Electoral Commission (EC) and the EC will be responsible for user testing the design and messaging of all new communications to check for clarity and understanding.

8.11. The EC will also design a suite of good practice guidance to support the reformed canvass process. This will include steps that the ERO could take to identify attainers, for example through data mining using locally available data sets such as education data. The encouraging of better data mining techniques as part of the reformed canvass model will help EROs to capitalise on the savings available through canvass reform whilst also ensuring that there is a

further route to EROs identifying individual who should be added to the register and who have not yet registered via the IER Digital Service.

8.12. A further potential negative impact which must be considered is the inclusion of information about young people under 18 on the electoral register.

*Inclusion on the Register of those under the age of 18*

8.13. There are two versions of the register. The Electoral/closed register is used for the purposes related to elections and by local authorities for their duties relating to security and law enforcement. It can also be used for other limited purposes specified in law, such as crime prevention.

8.14. The Edited/open register is not used for elections. Electors may choose whether their names should be included on the edited register. This is the version of the register can be sold to any person, organisation or company for a wide range of purposes. Users of the register include businesses and charities for checking names and address details, marketing firms.

8.15. In order to mitigate the possibly impact of being on the electoral register, new electors (16 and 17 year olds) will have the option to choose not to be included in the edited register and will be provided with information which helps them to make that choice. Young people's (under the age of 16) information will not be included in the edited register.

*Attainers – young people under the age of 16*

8.16. In order to mitigate any possible negative impact, young peoples' (under the age of 16) information will not be included in the edited register (which is the version of the register available for a wide range of purposes).

8.17. Furthermore, in the Senedd and Election Bill, a new summary offence has been created of disclosing information about young people under the age of 16 without statutory authority. Again, this SI works in tandem with the provisions of that Bill.

8.18. In addition, Regulation 14 of this SI amends Regulation 32ZBC (Processing of information in connection with the annual canvass data matching) so that the territorial effect of the provisions includes Wales. Regulation 32ZBC (1) prohibits the disclosure of information disclosed under data matching provisions save in two circumstances. Firstly, so that it may be taken into account by the registration officer for the purposes of determining whether the annual canvass may be conducted otherwise than in accordance with Regulation 32ZBD. Secondly, for the purposes of any civil and criminal proceedings. Regulation 14(a) amends Regulation 32ZBC to apply the provisions on disclosure of information to a canvass of local government electors in Wales.

8.19. The Senedd and Elections (Wales) Bill introduced on the 12 February has stringent provisions around the protection of the information of those young people who are under the age of 16 which work in tandem with this SI and in particular the policy approach of not providing a date of birth of any person aged under 16 on pre-printed canvass forms is replicated in this Statutory

Instrument. For example included in the Senedd and Election Bill are the following:

- Information about those under the age of 16 will not appear on the open register the version of the electoral register made public.
- A visit to a property will not be required where EROs are seeking information in relation to under 16 year olds.
- Registration officers will not provide the date of birth of any person aged under 16 on pre-printed canvass forms
- A registration officer will not impose a civil penalty on a person who fails to comply with a requirement to make an application to register where that person is under the age of 16.

#### *Further Potential Negative Impacts and mitigation actions*

8.20. Electors that have changed their name through marriage/civil partnership/deed poll or those electors who have gone through Gender Reassignment and wish to be known as another name will not be matched at the data matching step. To mitigate this these electors will be sent down Route 2, this will not result in their disenfranchisement or removal from the electoral register.

8.21. There is a risk of older electors – who are likely to be less I.T. literate becoming ostracised by the modernisation of the annual canvass. The retention of traditional paper communications within the reforms will mitigate the risk to less I.T. literate individuals. Under Route 1, the light touch route, there will be a mandatory paper communication sent to the property if an electronic communication receives no response or is not used.

8.22. Disabled electors may be affected by the proposed alternative canvassing methods. We are aware from discussions with stakeholders, for example, that canvassing in person can be very beneficial for those with physical and mental disabilities. EROs have discretion over choosing in person (household visit) canvassing or telephone canvassing to fulfil this duty.

## **9. Post implementation review**

9.1. UK Government will complete live testing of the data matching step with EMS suppliers from February to March 2020.

9.2. Metrics have been developed to be used by EROs for the following purposes:

- To monitor the effectiveness of their canvass strategy
- To monitor compliance to Canvass Reform legislation
- Identify potential improvements to their Canvass

9.3. Each ERO will be monitored by the EMS systems and information on each local authority area will be available following the canvass.

9.4. The impact of the proposal will be evaluated following the first annual canvass in 2020.