
INFORMATION NOTE

Practices of Voter Registration in Selected Overseas Jurisdictions

1. Introduction

1.1 This information note introduces practices of voter registration in Australia, Canada and the United Kingdom (UK), particularly on the time gap between the deadline for application for voter registration and polling day in a parliamentary general election. Practices of voter registration in these jurisdictions as well as in the Hong Kong Special Administrative Region are summarized in the Appendix.

2. Australia

Voter registration system

2.1 The Australian Electoral Commission¹ (AEC) was created as a statutory body in 1984 under the *Commonwealth Electoral Act 1918*. AEC is responsible for preparing, maintaining and updating an electoral register for each State and the Northern Territory of Australia. The whole set of electoral registers is called the Commonwealth Electoral Roll.

2.2 Voter registration is compulsory for Australian citizens who have attained 18 years of age.² Eligible voters should register with AEC within 21 days after they meet the requirement of a voter. Eligible voters who do not observe the law are liable to a fine not exceeding AUS\$50 (HK\$273).³

2.3 Registered voters are also required by law to give notice in writing to AEC about any address change and the notice should be given within 21 days after the date of removal. Registered voters who do not abide by the law are liable to a fine not exceeding AUS\$50 (HK\$273).⁴

¹ For detailed information concerning the operation of AEC, see Legislative Council Secretariat research report entitled *Operation of Electoral Regulatory Bodies in Selected Places*. RP04/03-04.

² People who have unsound mind, prisoners serving a sentence of five years or more and people who have been convicted of treason and not pardoned are not eligible to register and vote.

³ Subsections (1), (4) and (6) of Section 101 of the *Commonwealth Electoral Act 1918*.

⁴ Subsections (1), (4), (5) and (6) of Section 101 of the *Commonwealth Electoral Act 1918*.

Time gap between the deadline for application for voter registration and polling day

2.4 The time gap between the deadline for application for voter registration and polling day for a parliamentary general election is regulated by Sections 151, 155, 156 and 157 of the *Commonwealth Electoral Act 1918*. The calculation of the time gap is presented in Table 1 below.

Table 1 - Specified time gap between the deadline for application for voter registration and polling day for a parliamentary general election

	Minimum number of days	Maximum number of days
Writs ⁵ are issued within 10 days of dissolution of House of Representatives	0	10
Electoral registers close 7 day after issue of writs (A)	7 (0 + 7)	17 (10 + 7)
Nomination of candidates close between 10 and 27 days after issue of writ	10 (0 + 10)	37 (10 + 27)
Polling day fixed between 23 and 31 days after the date of close of nomination of candidates (B)	33 (10 + 23)	68 (37 + 31)
(B) – (A) = Time gap	26	51

Source: Sections 151, 155, 156 and 157 of the *Commonwealth Electoral Act 1918*.

2.5 As indicated in Table 1, the time gap between the deadline for application for voter registration and polling day ranges from 26 to 51 days. The actual number of days of the time gap depends on the election schedule of each parliamentary general election. From 1984 to 2001⁶, seven parliamentary general elections were held, and the time gap between the deadline for application for voter registration and polling day for these elections ranged from 27 to 30 days. Therefore, the historical time gap is closer to the specified minimum number of days.

⁵ A writ is a legal document issued by the Governor General of Australia within 10 days of the dissolution of the House of Representatives to command AEC to hold an election.

⁶ Before 1984, issue of writ and deadline for application for voter registration had been on the same day.

3. Canada

Voter registration system

3.1 The post of the Chief Electoral Officer of Canada (CEO) was created in 1920 under the *Dominion Elections Act* for conducting parliamentary general elections. The Office of the Chief Electoral Officer of Canada, commonly known as Elections Canada, was set up to assist CEO in fulfilling his duties. The *Dominion Elections Act* was replaced by the *Canada Elections Act* in 1951.

3.2 Elections Canada used to create new electoral registers for each parliamentary general election through door-to-door canvass of electors. The last door-to-door canvass of electors was conducted in 1997. Since then, a permanent electoral register of Canada, i.e. the National Register of Electors (Register), has been created. The Register is subject to continuous revisions.

3.3 Voter registration in Canada is voluntary. Canadian citizens who have attained 18 years of age may choose to register with Elections Canada as voters by filling in a registration form and providing proof of identity and residence, e.g. a driver's licence.⁷ Registered voters may also choose to remove their names from the Register by notifying Elections Canada in writing.

Time gap between the deadline for application for voter registration and polling day

3.4 There is no time gap between the deadline for application for voter registration and polling day because voters may choose to register on polling day. In addition to registering at an Elections Canada office as described in paragraph 3.3, voters can register at polling stations on polling day.

3.5 An eligible voter can take an oath in the prescribed form and should be accompanied by a voter whose name appears on the electoral register for the same polling division and who vouches for him or her on oath in the prescribed form. Elections Canada staff at the polling station must complete a registration certificate in the prescribed form authorizing the voter to vote and the voter must sign it.⁸

3.6 The number of voter registration on polling day has been on the rise. Table 2 below shows the number of additions and address changes of voters during the revision period⁹ and on polling day in the past three parliamentary general elections.

⁷ CEO and the Assistant CEO as well as persons who are imprisoned in correctional institutions serving a sentence of two years or more are not entitled to vote.

⁸ Sections 161(1) and 161(4) of the *Canada Elections Act*.

⁹ In accordance with Section 96 of the *Canada Elections Act*, CEO determines the commencement date for the revision period for each parliamentary general election and the revision period should be ended six days before polling day.

Table 2 - Number of additions and address changes of voters during the revision period and on polling day

	1993	1997	2000
Revision period	1 612 457	646 240	1 792 151
Polling day	335 762	415 319	1 049 519
Total	1 948 219	1 061 559	2 841 670

Source: *Report of the Chief Electoral Officer of Canada on the 37th General Election Held on November 27, 2000*, p.66.

4. The United Kingdom

Voter registration system

4.1 Unlike Australia and Canada, the UK has no national electoral register. Local electoral authorities, namely the Electoral Registration Office of local councils in England and Wales, the Electoral Registration Officers in Scotland and the Electoral Office for Northern Ireland, are responsible for preparing and updating electoral registers of their respective registration areas.

4.2 However, this tradition may change in the near future because the Electoral Commission¹⁰ has recommended to Parliament that electoral registers should continue to be compiled and managed locally but should form part of a national register which will be managed by the Electoral Commission.¹¹

4.3 Voter registration activities in the UK are prescribed by the *Representation of the People Act 2000* and the *Electoral Fraud (NI) Act 2002*. British citizens who have attained 16 years of age are eligible to register but are ineligible to vote until they have attained 18 years of age.¹² Electoral registers are compiled through a combination of compulsory and voluntary methods.

¹⁰ The Electoral Commission was set up by Parliament as a statutory body in 2000 under the *Political Parties, Elections and Referendums Act 2000*. "The Commission aims to gain public confidence and encourage people to take part in the democratic process within the United Kingdom by modernising the electoral process, promoting public awareness of electoral matters, and regulating political parties." For detailed information concerning the Electoral Commission, see Legislative Council Secretariat research report entitled *Operation of Electoral Regulatory Bodies in Selected Places*. RP04/03-04.

¹¹ The Electoral Commission (2003a) p.19.

¹² Members of the House of Lords, prisoners, anyone found guilty within the previous five years of corrupt or illegal practices in connection with an election and people with mental disabilities are ineligible to vote.

4.4 Since the 19th century, the Annual Canvass of Electors (Annual Canvass) method has been used by local electoral authorities to ensure that eligible voters in their respective registration areas are on the electoral registers.

4.5 Under existing arrangements, Annual Canvass takes place between September and November of each year. During this period, householders in England, Wales and Scotland are obliged to complete a canvass form, providing information of eligible voters in their households. In Northern Ireland, each eligible voter completes his/her own canvass form. Based on the information received, local electoral authorities compile revised electoral registers and publish them on 1 December.

4.6 Local electoral authorities have power to require householders and eligible voters to provide information when preparing the revised electoral registers. Householders or individual voters who fail to complete and return the canvass form are liable to a fine not exceeding £1,000 (HK\$13,791).

4.7 Inflexibility is one of the shortcomings of Annual Canvass as changes of voter information after Annual Canvass can only be dealt with in the following year's Annual Canvass. In order to increase flexibility of the voter registration system, Rolling Electoral Registration (Rolling Registration) was introduced in 2001 to supplement Annual Canvass.

4.8 Rolling Registration is a voluntary means for eligible voters to register with local electoral authorities as voters or registered voters to inform local electoral authorities about changes of their voter information. Based on the information received through Rolling Registration, local electoral authorities revise the electoral registers on a monthly basis and announce to the public the revised electoral registers on the first working day of each month except October, November and December. In other words, nine revised electoral registers are prepared each year under Rolling Registration.

Time gap between the deadline for application for voter registration and polling day

4.9 The time gap between the deadline for application for voter registration and polling day varies, depending upon the number of days disregarded for the purpose of computing election timetable and the publication date of the notice of election.

4.10 In accordance with the *Representation of the People Act 1983*, a parliamentary general election is carried out according to a timetable which lasts for 17 working days. Nevertheless, the length of a parliamentary general election in calendar days may vary when Saturdays, Sundays, any bank holidays and any days designated for public thanksgiving or mourning are taken into account. For instance, the length of the 1992, 1997 and 2001 parliamentary general elections was 25, 24 and 24 calendar days respectively.

4.11 Under the current electoral system, once a parliamentary general election is called, the last published revised electoral register before the publication of the notice of election is used for that election. As the revised electoral register for a particular election is based on voter registration applications received on or before a cut-off date. That cut-off date automatically becomes the deadline for application for voter registration for the election.

4.12 For instance, the revised electoral register published on 1 May 2001 was used for the 2001 parliamentary general election because it was the last published revised electoral register before the publication of the notice of election on 17 May 2001. Since the revised electoral register was based on voter registration applications received on or before 5 April 2001, that date automatically became the deadline for application for voter registration for the 2001 parliamentary general election.

4.13 Table 3 presents a calculation of the time gap between the deadline for application for voter registration and polling day of the 2001 parliamentary general election, the only parliamentary general election held under the current voter registration system.

Table 3 - Time gap between the deadline for application for voter registration and polling day of the 2001 parliamentary general election

	Date
Deadline for application for voter registration (cut-off date to register for the last published revised electoral register) (A)	5 April 2001
Polling day (B)	7 June 2001
(B) – (A) = Time gap	64 days

Sources: House of Commons of the United Kingdom (2001a) pp.16-17 and House of Commons of the United Kingdom (2001b) p.2.

4.14 The Electoral Commission has noticed that under the existing parliamentary general election arrangements, the deadline for application for voter registration is *"ahead of the publication of the notice of election and is some six or seven weeks before polling day"*¹³. The Electoral Commission has recommended to Parliament that the last date for voter registration should normally be on the closing date for nomination of candidates, i.e. 11 working days before polling day.¹⁴

¹³ The Electoral Commission (2003a) p.23.

¹⁴ The Electoral Commission (2003a) pp.25-26.

Appendix

Practices of voter registration in Australia, Canada, the United Kingdom and Hong Kong

	Australia	Canada	United Kingdom	Hong Kong
Voter registration authority	<ul style="list-style-type: none"> Australian Electoral Commission 	<ul style="list-style-type: none"> Elections Canada 	<ul style="list-style-type: none"> Local electoral authorities 	<ul style="list-style-type: none"> Electoral Affairs Commission
Legislation	<ul style="list-style-type: none"> <i>Commonwealth Electoral Act 1918</i> 	<ul style="list-style-type: none"> <i>Canada Elections Act</i> 	<ul style="list-style-type: none"> <i>Representation of the People Act 2000</i> <i>Electoral Fraud (NI) Act 2002</i> 	<ul style="list-style-type: none"> <i>The Electoral Affairs Commission Ordinance</i>
Voter registration [penalty of non-compliance]	<ul style="list-style-type: none"> Compulsory [a fine not exceeding AUS\$50 (HK\$273)] 	<ul style="list-style-type: none"> Voluntary [not applicable] 	<ul style="list-style-type: none"> Voluntary [not applicable] 	<ul style="list-style-type: none"> Voluntary [not applicable]
Power to require information when preparing electoral register [penalty of not providing such information]	<ul style="list-style-type: none"> Yes [no] 	<ul style="list-style-type: none"> No [not applicable] 	<ul style="list-style-type: none"> Yes [a fine not exceeding £1,000 (HK\$13,791)] 	<ul style="list-style-type: none"> Yes when preparing registers for functional constituencies and the Election Committee [a fine at level 2, i.e. HK\$5,000 and imprisonment for six months]

Appendix (cont'd)

	Australia	Canada	United Kingdom	Hong Kong
Time gap between the deadline for application for voter registration and polling day	<ul style="list-style-type: none"> • Fixed • Minimum 26 days and maximum 51 days • Ranging from 27 to 30 days in the past seven parliamentary general elections 	<ul style="list-style-type: none"> • Zero day 	<ul style="list-style-type: none"> • Varies • 64 days in the 2001 parliamentary general election 	<ul style="list-style-type: none"> • Varies • 119 days in the upcoming 2004 Legislative Council election

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