

INFORMATION NOTE

Usage of electoral register

1. Background

1.1 At the meeting of the Panel on Constitutional Affairs on 19 November 2007, the Panel requested the Research and Library Services Division to conduct a research on the usage of electoral register in overseas places to facilitate Members' discussion on the situation in Hong Kong. Currently in Hong Kong, information listed in the electoral registers for the geographical constituencies and the functional constituencies cannot be used for a purpose unrelated to an election.

1.2 According to Section 21 of the Electoral Affairs Commission (Registration of Electors)(Legislative Council Geographical Constituencies)(District Council Constituencies) Regulation (Cap. 541, sub. leg. A), the Electoral Registration Officer may make available an extract from any published register of electors "for any purpose related to an election", to any person that the Officer considers appropriate. A person to whom an extract is made available must not use the information on the register for a purpose other than a purpose related to the specified election. The Regulation further provides that it is an offence to use any information relating to a person contained in a register or an extract from such a register "for a purpose other than a purpose related to an election". Similar provisions for the functional constituencies are found in section 41 of the Electoral Affairs Commission (Registration)(Electors for Legislative Council Functional Constituencies)(Voters for Election Committee Subsectors)(Members of Election Committee) Regulation (Cap. 541, sub. leg. B).

1.3 Australia, Canada, the United Kingdom (UK) and Ireland are selected for this study because each of the places has distinctive policies in the usage of the electoral register in their respective jurisdictions. In Australia, apart from election purposes, information in the electoral register can be used in medical research and public health screening programmes. In Canada, such information can be used by Parliament members to communicate with their electors. In the UK and Ireland, electors can choose to be listed in an edited version of the electoral register which is available for sale for commercial purposes.

Table – Comparison of the usage of the electoral register in Australia, Canada, the United Kingdom and Ireland

	Australia	Canada	The United Kingdom	Ireland	
Elections covered by an electoral register	(a) Federal election; (b) State election; and (c) Local election.	(a) House of Commons election; and (b) Elections for provinces, territories, municipalities and school boards that have agreements with the Elections Canada ⁽¹⁾ .	(a) House of Commons election; and (b) Local election.	(a) House of Representatives election; and (b) Local election.	Senate (Seanad) ⁽²⁾ .

Notes: (1) Elections Canada is an independent body set up by the Canadian Parliament to ensure that eligible electors can exercise their choices in elections in an open and impartial process.

- (2) The Senate is composed of 60 members, with 11 appointed by the Prime Minister, six elected by graduates of the two major universities in Ireland and 43 elected from five panels of candidates representing specified vocational interests, namely cultural and educational, agricultural, labour, industrial and commercial, and public administration. The functional interest groups are represented by the Senators and have a right to nominate candidates but not the right to vote in the Senate election. These 43 senators are elected by an electorate consisting of Deputies of the newly elected House of Representatives, outgoing Senators and local councillors. Please see Legislative Council Secretariat (2004).

Table – Comparison of the usage of the electoral register in Australia, Canada, the United Kingdom and Ireland (cont'd)

	Australia	Canada	The United Kingdom	Ireland	
Electoral/ nominating register used	Commonwealth Electoral Roll.	National Register of Electors.	Electoral Register.	Register of Electors.	(a) The Register of Nominating Bodies for nomination of panel candidates ⁽³⁾ ; and (b) The Seanad Register for election of university members ⁽⁴⁾ .

Notes: (3) To be eligible for registration as a nominating body, an organization must be concerned mainly with and be a representative of the interests and services of one of the panels. An organization which is of profit-making nature is not eligible for registration. For details, please see Legislative Council Secretariat (2004).

(4) The constituencies for the election of university members to the Senate are the National University of Ireland and the University of Dublin (Trinity College). Each elects three members. The other universities and institutions of higher education are not represented in the Senate at present.

Table – Comparison of the usage of the electoral register in Australia, Canada, the United Kingdom and Ireland (cont'd)

	Australia	Canada	The United Kingdom	Ireland	
Purpose of electoral/nominating register	<p>(a) To provide a list of eligible persons who are registered to vote; and</p> <p>(b) To serve as one Roll for federal, state and local government elections.</p>	To provide a list of electors for federal elections, by-elections and referendums, and for provinces, territories, municipalities and school boards where appropriate.	To provide a list of eligible persons who are registered to vote.	To provide a list of residents who are registered to vote.	<p>(a) The Register of Nominating Bodies provides a list of nominating bodies to nominate panel candidates; and</p> <p>(b) The Seanad Register provides a list of eligible electors to elect university members.</p>
Legislation	Commonwealth Electoral Act 1918 (CEA).	Canada Elections Act.	Representation of the People Act 2000.	Electoral (Amendment) Act, 2001.	Electoral (Amendment) Act, 2001.

Table – Comparison of the usage of the electoral register in Australia, Canada, the United Kingdom and Ireland (cont'd)

	Australia	Canada	The United Kingdom	Ireland	
Apart from election purposes, can an electoral register be used for other purposes?	Yes. Elector information can be released to a prescribed authority ⁽⁵⁾ , or to an organization which conducts medical research or provides health screening programmes with proper approval from the relevant government departments (Section 90B(4) of CEA).	Yes. Electors' names and addresses can be used by parties and members of the House of Commons for making communications with electors, such as in soliciting contributions and recruiting members (Section 110 of the Canada Elections Act).	Yes. There are two versions of the Electoral Register – the full register and the edited register. ⁽⁶⁾ The former is used for elections, preventing and detecting crime and checking applications for credit, while the latter is available for general sale and can be used for commercial activities such as marketing. Electors do not have the choice of opting out the full register but they can choose not to be listed on the edited register.	Yes. There are two versions of the Register of Electors – the full register and the edited register. The former is used for elections and jury duty, while the latter is available for general sale and can be used for commercial activities such as marketing. Electors can choose not to be listed on the edited register (Section 4 of the Electoral (Amendment) Act, 2001).	Yes. There are two versions of the Seanad Register – the ordinary Seanad Register and the edited Seanad Register (Section 56 of the Electoral (Amendment) Act, 2001). The former is used for elections and canvassing the electorate, while the latter is available for general sale and can be used for commercial purposes. Electors can choose not to be listed on the edited register. ⁽⁷⁾

Notes: (5) A prescribed authority is defined in CEA to be either the Agency Head of an Agency, or the Chief Executive Officer of a Commonwealth Authority.

(6) The Representation of the People (England and Wales)(Amendment) Regulations 2006, the Representation of the People (Scotland)(Amendment) Regulations 2006, and the Representation of the People (Northern Ireland)(Amendment) Regulations 2002.

(7) The Register of the Nominating Bodies is available in the public domain. Therefore, it can be used for any purpose.

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Australia

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