

INFORMATION NOTE

Access to the electoral register

1. Background

1.1 At the meeting of the Panel on Constitutional Affairs on 18 February 2008, the Panel requested the Research and Library Services Division (RLSD) to conduct a research on the policy of access to the electoral register in overseas places to facilitate Members' discussion on the situation in Hong Kong. This note provides information on who can access the electoral register and when an eligible body/organization can access the electoral register. Table 1 to Table 7 present the findings in Australia, Canada, the United Kingdom and Ireland.

Table 1 – Electoral register in Australia, Canada, the United Kingdom and Ireland

	Australia	Canada	The United Kingdom	Ireland⁽¹⁾
Elections covered by the electoral register	(a) Federal election; (b) state elections; and (c) local elections.	(a) House of Commons election; and (b) elections for provinces, territories, municipalities and school boards that have agreements with Elections Canada ⁽²⁾ .	(a) House of Commons election; and (b) local elections.	(a) House of Representatives election; and (b) local elections.
Applicable electoral register	Commonwealth Electoral Roll. (Please refer to Table 2 on p.3 for information on access to this electoral register.)	National Register of Electors. (Please refer to Table 3 on pp.4-5 for information on access to this electoral register.)	Electoral Register. (Please refer to Tables 4 to 6 on pp.6-8 for information on access to this electoral register.)	Register of Electors. (Please refer to Table 7 on p.9 for information on access to this electoral register.)

Notes: (1) Some members of the Senate are also returned by election. In particular, the Seanad Register is used for the election of university members of the Senate. However, as of the publication date of this note, RLSD has not received information on the Seanad Register from the Irish authorities.

(2) 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.

Table 2 – Provision of information on the Commonwealth Electoral Roll in Australia

Who can access the Commonwealth Electoral Roll	Information to be given	When an eligible body/organization can access the Commonwealth Electoral Roll
A candidate in the House of Representatives election ⁽¹⁾	A copy of the certified list of voters for the Division for which the candidate is seeking election.	As soon as practicable after the close of Roll.
A registered political party	A copy of the Roll for each State and Territory.	As soon as practicable after a general election ⁽²⁾ .
A Senator for a State or Territory	A copy of the Roll for the State or Territory.	As soon as practicable after a general election.
A member of the House of Representatives	A copy of the certified list of voters for the Division for which the member is elected.	As soon as practicable after the member has been declared elected.
Any person or organization that conducts medical research or provides a health screening programme	(a) A copy of the Roll (or an extract of the Roll); and (b) if the Electoral Commission wishes, information about the sex or the age range of a person whose name is included on the Roll.	On request by the person or organization.
A prescribed authority ⁽³⁾	(a) Any information on the Roll; and (b) if the Electoral Commission wishes, information about the sex, the date of birth or the occupation of a person whose name is included on the Roll.	On request by the prescribed authority.

Notes: (1) A candidate in the Senate election is not provided with a copy of the certified list of voters. According to the Electoral Commission, as the number of voters in some of the states can be in the range of millions, this may be the reason why the certified list of voters is not provided to Senate candidates.

(2) The Electoral Commission, responsible for conducting federal elections and referendums and maintaining the Commonwealth Electoral Roll, needs not give a registered political party information in relation to persons enrolled in a State or Territory election unless a branch or division of the party is organized on the basis of that State or Territory.

(3) A prescribed authority is defined in the Commonwealth Electoral Act 1918 to be either the Agency Head of an Agency, or the Chief Executive Officer of a Commonwealth Authority.

Source: Commonwealth Electoral Act 1918.

Table 3 – Provision of information on the National Register of Electors in Canada

Who can access the National Register of Electors	Information to be given	When an eligible body/organization can access the National Register of Electors
A candidate in the House of Commons election	Preliminary lists of electors	(a) The Chief Electoral Officer shall, not later than the 31 st day before the polling day, determine the number of names appearing on the preliminary lists of electors for each electoral district. (b) A returning officer ⁽¹⁾ shall, on receipt of the preliminary lists of electors for his or her electoral district, distribute one printed copy and one copy in electronic form of the lists to each candidate in the electoral district who requests them.
	Updated preliminary lists of electors	Each returning officer shall, on the 19 th day before the polling day, distribute to each candidate in the electoral district who requests it, one copy in electronic form of the most current preliminary lists of electors for that electoral district.
	Revised lists of electors	A returning officer shall, on the 11 th day before the polling day, prepare the revised lists of electors for each polling division in the electoral district for use at the advance poll, and deliver to each candidate a printed copy and a copy in electronic form of such lists.
	Official lists of electors	A returning officer shall, on the 3 rd day before the polling day, prepare the official lists of electors for each polling division for use on the polling day, and deliver to each candidate a printed copy and a copy in electronic form of such lists.

Note: (1) A returning officer is responsible for the delivery and control of federal electoral events within the electoral district for which he or she is appointed. He or she is appointed by and reports to the Chief Electoral Officer.

Table 3 – Provision of information on the National Register of Electors in Canada (cont'd)

Who can access the National Register of Electors	Information to be given	When an eligible body/organization can access the National Register of Electors
A registered party	Final lists of electors	The Chief Electoral Officer shall, without delay after the polling day, prepare the final lists of electors for each electoral district, and deliver a printed copy and a copy in electronic form of the final lists of electors for each electoral district to each registered party that has endorsed a candidate in the electoral district.
	Lists of electors	By 15 November every year, on request, the Chief Electoral Officer will send to each registered party that endorsed a candidate in the electoral district in the last election, a copy in electronic form of the lists of electors for the electoral district. ⁽²⁾
A member of the House of Commons	Final lists of electors	The Chief Electoral Officer shall, without delay after the polling day, prepare the final lists of electors for each electoral district, and deliver a printed copy and a copy in electronic form of the final lists of electors for each electoral district to the member who was elected for the electoral district.
	Lists of electors	By 15 November every year, the Chief Electoral Officer shall send to the member for each electoral district a copy in electronic form of the lists of electors for the electoral district. ⁽²⁾

Note: (2) This does not apply if 15 November falls during an election period or if the vote at a general election was held during the six months before that date.

Source: Canada Elections Act.

Table 4 – Provision of information on the full Electoral Register in England and Wales

Who can access the full Electoral Register	Information to be given	When an eligible body/organization can access the full Electoral Register
<ul style="list-style-type: none"> (a) A member of Parliament for any constituency in England and Wales; (b) A member of the National Assembly for Wales for any constituency or region; (c) A candidate for the Parliamentary election; (d) A candidate for the National Assembly for Wales election; (e) A registered political party; (f) Police Force in Great Britain, the Police Service of Northern Ireland and the Police Service of Northern Ireland (Reserve), the National Criminal Intelligence Service, the National Crime Squad, the Police Information Technology Organisation and any body of constables established under an Act of Parliament; and (g) Credit reference agencies. 	A copy of the relevant part of the full register.	On request.

Source: The Representation of the People (England and Wales) (Amendment) Regulations 2002.

Table 5 – Provision of information on the full Electoral Register in Scotland

Who can access the full Electoral Register	Information to be given	When an eligible body/organization can access the full Electoral Register
<ul style="list-style-type: none"> (a) A member of Parliament for any constituency in Scotland; (b) A candidate for the Parliamentary election; (c) A registered political party; (d) Police Force in Great Britain, the Police Service of Northern Ireland and the Police Service of Northern Ireland (Reserve), the National Criminal Intelligence Service, the National Crime Squad, the Police Information Technology Organisation and any body of constables established under an Act of Parliament; and (e) Credit reference agencies. 	A copy of the relevant part of the full register.	On request.

Source: The Representation of the People (Scotland) (Amendment) Regulations 2002.

Table 6 – Provision of information on the full Electoral Register in Northern Ireland

Who can access the full Electoral Register	Information to be given	When an eligible body/organization can access the full Electoral Register
<ul style="list-style-type: none"> (a) A member of Parliament for any constituency in Northern Ireland; (b) A member of the Northern Ireland Assembly; (c) A candidate for the Parliamentary election; (d) A candidate for the Northern Ireland Assembly election; (e) A registered political party; (f) Police Force in Great Britain, the Police Service of Northern Ireland and the Police Service of Northern Ireland (Reserve), the National Criminal Intelligence Service, the National Crime Squad, the Police Information Technology Organisation and any body of constables established under an Act of Parliament; and (g) Credit reference agencies. 	A copy of the relevant part of the full register.	On request.

Source: The Representation of the People (Northern Ireland) (Amendment) Regulations 2002.

Table 7 – Provision of information on the full Register of Electors in Ireland

Who can access the full Register of Electors	Information to be given	When an eligible body/organization can access the full Register of Electors
A candidate in the House of Representatives election	A copy of the full register for the constituency for which the candidate is seeking election.	On request.
A member of the House of Representatives	A final copy of the full register for the constituency.	The final copy is sent to each member of the House of Representatives for his or her constituency when the register comes into force on 15 February every year.
	A draft copy of the full register for the constituency.	The draft copy is sent to each member of the House of Representatives for his or her constituency when the register becomes available on 1 November of the previous year.

Sources: Electoral Act, 1992 and Electoral Act, 1997.

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