

Report: 2018 recall petition in North Antrim | Electoral Commission Search
Report: 2018 recall petition in North Antrim You are in the Recall petitions
section Home Recall petitions On this page Summary How the recall petition was run
Transparency and secrecy Further recommendations for change First published: 5
November 2018 Last updated: 29 July 2019 Overview From 8 August to 19 September 2018,
electors in the constituency of North Antrim were able to take part in the first ever
recall petition in the UK. This report covers how the petition was run and makes some
recommendations for future recall petitions. Summary The North Antrim recall petition
was the first to take place across the UK since the Recall of MPs Act was introduced
in 2015. It was the first time the legislation was tested and has provided an
opportunity to look at lessons to be learnt and improvements that could be made for
any future recall petition in the UK. Our report is based on feedback from those who
administered the petition and those who campaigned during the petition period, as
well as our own observations. This highlighted a number of issues which would merit
further consideration by the UK Government. However, it should be acknowledged that
these are based on the experience of running only one recall petition, and different
issues could arise if a recall petition were to take place in any other constituency
in the UK. Findings and recommendations Overall we found that the Petition Officer
successfully delivered all of her duties as required under the Act. There were no
significant problems in the delivery of the recall petition which affected voters or
any individuals or organisations wishing to campaign. We recognise that the decision
to use only three signing places was the subject of much debate and criticism.
However, we have found no evidence that an increased number of signing places would
have contributed to a different result at the end of the recall petition. Feedback
from those who worked and campaigned at the recall petition was that the six week
signing period was too long. Concerns were also raised as to whether there was enough
awareness amongst electors on how they could participate. In light of this we have
recommended that the UK Government should: Consider whether a signing period of six
weeks is appropriate and whether this should be changed for future recall petitions.
Consider how electors can get information about the recall petition and how they can
take part in it if they so wish. We have also asked the Government to explore what
more can be done to improve transparency in the delivery of recall petitions whilst
also ensuring that electors can have confidence in the integrity and secrecy of a
petition How the recall petition was run Background On 26 July MPs voted to suspend
Ian Paisley MP for North Antrim for 30 sitting days. This was in response to a report
by the Parliamentary Commissioner for Standards, which found that Mr Paisley had
committed multiple breaches of the Code of Conduct for MPs in relation to two family
holidays paid for by the Sri Lankan government. The Recall of MPs Act 2015 introduced
a process where a sitting MP can lose their seat in the House of Commons if there is
a successful petition to recall them. One of the conditions to trigger a recall
petition is if an MP is barred from sitting in the House for 10 or more sitting days.
As required under the Act, the Speaker of the House of Commons wrote to the Chief
Electoral Officer for Northern Ireland, in her role as Petition Officer, to notify
her that a recall petition should be opened in the constituency of North Antrim for a
period of six weeks. The report We are required to publish a report on any recall
petition after the end of the recall petition period. For this report we have
gathered information from the Chief Electoral Officer for Northern Ireland; Electoral
Commission representatives who observed at the signing places, verification and
count; staff who worked at the signing places; and political parties and campaigners.
Although we did not carry out research with the public we have taken into account any

comments made by electors to the Electoral Office, staff at the signing places and ourselves about their experience of signing the petition. The North Antrim recall petition was the first to take place across the UK and the first time the legislation was tested. It has provided an opportunity to look at lessons to be learnt and improvements that could be made for any future recall petition in the UK. However, it is important to bear in mind the unique political circumstances that can exist in any one constituency when considering what a recall petition might look like elsewhere in the UK.

How the recall petition was run

Roles and responsibilities

The Petition Officer is the same person as the Returning Officer in a constituency. As the constituency where the petition took place was in Northern Ireland the Petition Officer was the Chief Electoral Officer for Northern Ireland. Her role was to: open a recall petition oversee the administration of the petition, including publishing a register of electors who can sign the petition and notifying those electors of the petition declare the result, including notifying the Speaker of the House of Commons receive donation and spending returns and make them available for public inspection

We also has a number of roles in the recall petition process. This includes providing advice and guidance to help people running and taking part in the petition understand the rules. We can also seek forfeiture of impermissible donations, if necessary by court order. The police also have a role in recall petitions to investigate breaches of the rules set out in the Recall Act and to enforce compliance with the law.

Setting up the recall petition

Notification of the recall petition Under the Recall Act the Petition Officer is required to designate a day for the petition to open no later than 10 days, or as soon as reasonably practical, after notification from the Speaker of the House of Commons. Within this time the Petition Officer was required to publish a register of electors who could sign the petition and notify them that the petition was taking place. The notification letter gave the elector information about: why the petition was taking place what would happen if the petition was successful and unsuccessful - either that a by-election would be held, or Ian Paisley MP would continue in his role how someone could sign the petition the address and a map of their designated signing place (including opening times) how to apply to sign by post or proxy the need to bring electoral ID (as required in Northern Ireland). A total of 75,428 electors were eligible to sign the petition at their allocated signing venue, or by applying to sign by post or proxy. There was little opportunity to allow for any new applications to register to be made given the requirement for a petition to be opened within 10 days of the notification being received from the Speaker. All of these requirements placed a considerable administrative burden on the Petition Officer and the Electoral Office for Northern Ireland, particularly as many senior staff were absent in the normally quieter summer months. Despite this, the Petition Officer successfully met all her statutory requirements within the required timeframes. The register was published on 3 August, notifications were sent to all electors on 6 and 7 August and the petition opened on 8 August.

Signing places

Under the Recall Act, the Petition Officer can designate up to 10 signing places where people can sign the petition. Signing places must be open for the six weeks of the recall petition on Monday to Friday between the hours of 9am and 5pm. However, the Petition Officer has discretion to extend these hours. The Petition Officer decided to use three places located in the main towns of the constituency – Ballymena, Ballymoney and Ballycastle. This meant that no elector would have to travel more than 15 minutes to get to their designated signing venue. Unlike elections in Northern Ireland, applications to vote by post or proxy could be made without having to provide a valid reason. This offered greater flexibility in how someone could sign

the petition. The decision to only use three signing places was met with opposition by a number of political parties. They highlighted that there were 53 polling places used in the constituency during the last election and that the decision to use only three places greatly reduced accessibility for electors, particularly for those living outside of the main towns. The Petition Officer did receive some complaints from electors about the choice of places, but we received no complaints from electors about their allocated signing place. It is difficult to judge what impact using more than three places for the recall petition would have had on electors in the constituency. We have seen no evidence that an increased number of signing places would have contributed to a different result at the end of the recall petition. The use of more places would have required additional staff and put extra pressure on the Petition Officer and her staff throughout the duration of the recall petition. We have no evidence that an increased number of signing places would have contributed to a different result at the end of the recall petition, but this needs to be considered in the context of an individual constituency, and balanced against the length of the signing period and the hours in which the signing places are open. Electors had six weeks in which to sign the petition at their designated venue and could also sign by post or appoint a proxy on demand. This is a significant factor to consider when compared to all other electoral events in Northern Ireland where electors are required to give a valid reason as to why they cannot attend their polling station in person. Opening hours of the recall petition Signing places were open Monday to Friday, 9am to 5pm, for a period of six weeks. There was criticism from some political parties that the signing hours were a barrier for people working traditional full time working hours and therefore unable to sign the petition at their designated signing place. Comparisons were made with polling stations which are open from 7am to 10pm at elections and therefore recognise and facilitate the work and life commitments of many voters. To address this concern, the Petition Officer extended the opening hours of the signing places to 9pm on two evenings. However, this decision was only confirmed after electors were notified of their signing venue and opening hours of 9am to 5pm. The Petition Officer used media and social media in the constituency to highlight the extended hours and the deadline for postal and proxy applications but it is hard to assess what impact, if any, this may have had. However, the feedback from the Petition Officer suggests there was a small increase in the number of electors who signed on these days compared to other days. The six week signing period Commission representatives observed proceedings on 11 days during the six week period, including the two evenings when signing hours were extended. Our representatives spoke to petition staff at each of the signing places and watched as electors signed the petition. Overall, the feedback was that the signing places were quiet during most days of the recall petition. Overall feedback received from petition staff and those who campaigned at the recall petition was that the six week period was too long. The Petition Officer told us that at the start and the end of the six week period turnout was considerably higher than on some other days in the middle weeks, and on some days it was very low. On the first day of the recall petition there was significant media interest and queues at some of the signing places but it became quieter after that at each of the signing places. A number of alternative suggestions were proposed by petition staff and campaigners on how long a recall petition should last. These ranged from two to four weeks with longer opening hours and the availability of weekend signings. It was also suggested that the petition could be signed on one day as is the case with elections and referendums. It was suggested that reducing the length of the recall petition period would increase

accessibility to the overall process for electors. While there may be merit in some of these suggestions, further consideration would be needed on the wider implications of any such change. For example, longer opening hours could make the petition more accessible to people wanting to sign in person, but would have an impact for those running the petition, particularly in terms of staffing and resourcing. The UK Government should consider whether a signing period of six weeks is appropriate and whether this should be changed for future recall petitions.

Absent votes In total 3,233 postal signing papers were issued at the recall petition. Approximately 1,000 postal signing papers were not returned. A total of 10 electors chose to appoint a proxy. At the 2017 UK parliamentary general election, where electors were not allowed to have a postal vote on demand, 1,163 postal votes were issued in North Antrim, and 1,048 were returned. Overall the postal and proxy application process worked well and no significant issues emerged. The Petition Officer also asked Royal Mail to do a sweep of their sorting offices as the deadline approached to ensure that any postal signing papers could be included in the final count. A total of 12 signing papers were found during this sweep. As previously outlined, the fact that electors could apply for a postal signing paper 'on demand' during the six week period increased the accessibility of the recall petition as it offered electors choice via an alternative way to sign the petition if they were working, away from home, or were unable or who did not want to go to their designated signing place.

Verification of signing papers There is a requirement, under the Recall Act, for daily verification of signing papers to take place during a recall petition. This required the breaking of the seal of each ballot box and verifying the number of each signing paper within it. This process could be carried out by the Petition Officer or the Petition Clerk in each of the signing places. To maintain the security and integrity of the recall petition, the Petition Officer decided to complete the daily verification of the ballot boxes at the Belfast headquarters of the Electoral Office for Northern Ireland. This meant that the boxes were collected, delivered and returned each day between Belfast and the three signing places. The boxes were stored securely in Belfast each night. Although this process worked well in practice, we think it lacked transparency. This is because the Recall Act makes no provision for observers and/or campaigners to observe this part of proceedings. The Petition Officer shared our concerns about the lack of transparency and therefore requested that Commission representatives attend every daily verification of the signing papers. We take a risk based approach to observing electoral events and did not believe attending every verification was necessary as we were satisfied with how the process was being conducted by the Petition Officer. However, Commission representatives were able to observe and attended verification on 15 evenings and were content with the processes put in place to manage the daily verification and how it was completed. Although we were satisfied with the processes put in place to manage the verification of signing papers at this recall petition, it is clear that more access to independent observation of this process would be beneficial to ensure confidence in its integrity. The UK Government should give careful consideration to how access to the recall petition proceedings can be enhanced so as to improve transparency.

The counting of signing papers commenced at 00:01 on Thursday 20 September. Although signing places closed at 5pm the previous day there was no provision within the Recall Act for when the count should start. The law was also unclear about the deadline for the receipt of postal signing papers. For this reason, the Petition Officer decided to commence the count after midnight to allow for any additional postal signing papers to be received. Commission staff attended the count and saw that, overall, the count process worked

well. Sufficient count staff were put in place and the overall management of the count was professional. The count was completed in approximately one hour and the Petition Officer notified the Speaker of the House of Commons of the result immediately. It was unclear from the provisions of the Act as to how the Speaker should be notified, but the Petition Officer had agreed in advance to email his office and await a reply. Once this was received the Petition Officer published the result and notified the media. In total, 9.4% of eligible electors signed the petition. This meant that the petition was unsuccessful and no by-election was triggered. Ian Paisley MP therefore kept his seat. Overall awareness of the recall petition In the absence of public opinion research or direct contact with electors it is difficult to gauge public opinion on the administration of the recall petition. Given the time constraints, and that this was a local issue within one constituency, we did not conduct any public opinion research as we would at major electoral events. However, the evidence available to us from our observations and feedback from campaigners and petition staff suggests that there may not have been a strong awareness amongst electors of the recall petition throughout the whole six week period. As expected, there was significant and intense interest in the run-up to and start of the petition by the media. However, this quickly diminished within a few days. Campaigning by the two registered campaigners was relatively low key and the sitting MP, Ian Paisley, did not actively campaign in the petition. A number of political parties told us that they felt there was an overall lack of public awareness of the recall petition. They argued that, as this was different from an election, many of those who could sign the petition were unaware of how the process was run or how they could participate. It was suggested to us by one political party that some electors only realised the petition was over when the result was announced in the media. One political party also highlighted to us that, although much was made of the increased availability of postal and proxy signing, many electors did not know what 'on demand' applications meant or how they could apply for one. It is not possible to know if this had any impact at the North Antrim recall petition, and there is no evidence available to suggest it would have changed the result. However, it is important to emphasise that a recall petition is different from an election. At an election promoting awareness and encouraging participation are possible without appearing to favour any particular candidate or party. This is not the case with a recall petition where there is a significant risk that actively encouraging participation could be seen as taking a side and could therefore potentially undermine the integrity of the recall petition. It may be the case that when the Recall Act was introduced there was an expectation that campaigners themselves would raise awareness of the recall petition and how electors could take part. However the general lack of campaigning in North Antrim may have contributed to a lack of awareness of a new process being run for the first time. Government and Petition Officers at future recall petitions should consider further ways of how electors can get information about the recall petition and how they can take part in it if they so wish. Any changes to how a recall petition is promoted should be clearly set out in legislation with clearly defined instructions on the actions a Petition Officer should take. Transparency and secrecy Concerns were raised at an early stage of the recall petition by some campaigners about a 'lack of secrecy' which may have stopped some electors from signing the petition. This was because when an elector entered a room at a signing place it was clear that their intention was to sign the petition to unseat their MP and trigger a by-election. The feedback we received from petition staff was that this seemed odd when compared to an electoral event where the

elector's decision remains secret throughout. The Petition Officer was aware of this issue and made efforts to ensure there was a balance between privacy and ease of access for electors at the signing places. During the recall petition period the rooms used within some of the signing places did change to address this, but this was often met with further criticism around accessibility and privacy. In our view, the rooms used were suitable for the recall petition but we recognise that some concerns were raised about the room used in the Ballymena signing place as it was clearly visible from the reception area and close to the front door of the leisure centre. We received no complaints from electors around secrecy or intimidation at any of the signing places. Anyone who had concerns about signing at a signing place had the option to sign by post or appointing a proxy, which would offer greater secrecy. Petition Officers at future recall petitions should take into account the need for privacy when allocating signing places within their constituency. Transparency and secrecy Access to the marked register The wording on the official petition notice sent to electors stated that the marked register would be available for public inspection after the petition if there was suspected fraud. However, there is no actual provision in the legislation that would have allowed the marked register in North Antrim to be made available for public inspection, or for it to be supplied to the police, the Electoral Commission or anyone who requested it. The Petition Officer made clear that her intention was that the marked register would not be available at all for public inspection. This is different from Great Britain, where there is provision in the legislation for the marked register to be made available for inspection after a recall petition in the event of potential fraud. It is not clear whether this was a deliberate policy difference or an accidental omission in the legislation, but it does raise questions about the secrecy of the recall petition. At elections the marked register is made available to political parties to assist in campaigning at future elections. Although it indicates that an elector did vote, it in no way shows how the elector voted. This is not the case with the marked register at a recall petition which would show that someone had signed the petition with the intention of unseating their MP. We recommend that the UK Government review the purpose and workings of the provision to access the marked register ahead of any future recall petition in order to ensure the appropriate balance is struck between maintaining secrecy and challenging fraud. Observing the recall petition Independent observation is an important part of any democratic process. For over a decade we have accredited hundreds of electoral observers who have attended and observed the electoral process in action. However, under the current legislation, the opportunity to observe proceedings at a recall petition is limited only to Commission representatives: Electoral Commissioners and staff of the Electoral Commission. Individuals and organisations accredited as electoral observers are not entitled to observe any proceedings within a signing place, the issue and receipt of postal signing papers, or verification of the signing papers. Accredited individual electoral observers can attend the counting of signatures, but those nominated by an accredited organisation cannot. It may be the case that this was a deliberate policy decision to ensure the secrecy of the recall petition and to prevent individuals or organisations from working out if the 10% threshold had been reached before the end of the petition period. We received no queries from accredited observers who wished to attend proceedings at the recall petition and only one accredited individual observer attended the count. It would be helpful for future recall petitions for the UK Government to clarify its rationale for limiting observation of the process and to consider if anything further can be done to enhance transparency and confidence in

the recall petition process. Integrity of the recall petition Despite concerns around transparency, we are satisfied that the integrity of this recall petition was maintained throughout. We received no complaints regarding allegations of fraud and saw no evidence of fraud during the six week signing period. Further recommendations for change Throughout the duration of the recall petition, the Commission and the Petition Officer identified a number of inconsistencies and omissions in the legislation. This may be expected given that this is the first time that the legislation has been tested. While many of these are minor, they can create an additional administrative burden and a lack of clarity that could impact on the successful delivery of a recall petition. The UK Government should consider opportunities that are available to make amendments ahead of any future recall petition. We have addressed some of these changes in our report, including access to the marked register and observation of proceedings, but draw particular attention to the following: Further recommendations for change Close of the recall petition Although the legislation states that signing places must be open at least from 9am to 5pm, there is no clear provision for what time the recall petition should close on the final day. This needs to be addressed as currently postal signing papers can still be returned on the final day up until 11.59 as there is no deadline for the receipt of postal signing papers. The lack of certainty around timing meant that the count did not commence until 00:01 on Thursday 20 September when the Petition Officer was satisfied the petition was closed. Notifying the speaker The Petition Officer must notify the Speaker of the House of Commons of the result before an announcement is made. However, there is no provision in law as to how this should happen and in what form the notification should be made. There is an expectation for instant news amongst the public, and clarity on this process would assist the Petition Officer in their planning process. There is also no provision to notify the MP who is subject to the recall petition of the result. Consideration should be given to addressing this issue ahead of any future recall petition. Appointing a Deputy Petition Officer There is currently no provision to allow for the Petition Officer to appoint a Deputy to act on their behalf. During daily verification of ballot boxes only the Petition Officer or Petition Clerk at a signing venue can break the seal. At the North Antrim recall petition this meant that the Petition Officer was required to be present every evening for the daily verification for the entire six week period. This created an unnecessary burden on the Petition Officer and the UK Government should consider enabling the Petition Officer to appoint a Deputy to assist them in delivering their duties. Prohibition on the publication of exit polls Under the current rules for a recall petition, it is forbidden to publish a statement that could indicate if an individual has signed the petition or not. It also prohibits publication of any forecasts on the result of the petition. This provision caused concern and confusion among campaigners, the media and the public. As currently drafted it appears that anyone who makes any statement on turnout or about individuals who sign the petition would be guilty of an offence. This could be punishable by a fine or imprisonment of up to six months. For example, two elected representatives were spoken to by the Police for making remarks online that gave some suggestion as to what turnout may have been at points during the recall petition process. Although the original intention may have been to maintain secrecy of the recall petition it is not clearly defined as to how this should be done in practice. As such it would be beneficial if more clarity and guidance on this provision was put in place ahead of any future recall petitions. Related content The process to challenge a sitting MP: review of the 2019 recall petitions Read our review of the 2019 recall petitions Past elections

and referendums Read our reports and view data about past elections and referendums
Report: Voting in 2017 Read our report about voting at the general election in 2017
Testing the EU referendum question Find out about our testing of the EU referendum question