

Response to Consultation on Code of Conduct for Campaigners in Northern Ireland.

The Electoral Office for Northern Ireland and the Electoral Commission ran a two-part consultation on the Code of Conduct for Campaigners in Northern Ireland from March to June 2024 and again from September to October 2024.

The Code of Conduct for Campaigners in Northern Ireland has now been agreed and is in force.

Background

We consulted with all registered political parties in Northern Ireland, the Northern Ireland Assembly Parties Panel, the Information Commissioner's Office, the Public Prosecution Service for Northern Ireland and the Police Service of Northern Ireland (PSNI) to gather their views and to get their agreement on the Code.

The consultation commenced on the 1 March 2024 with the deadline extended to the 4 June 2024 for responses. Following the calling of a UK Parliamentary general election the consultation was paused and reopened on the 6 September 2024 running until 4 October 2024. Members of the Northern Ireland Political Parties Panel discussed the updated Code on the 8 October 2024.

We are grateful to everyone who provided us with feedback. We have used this to inform the further development of the Code and to make it as clear and helpful as possible. We recognise how important it is that the people who will use the Code support it.

New Code of Conduct for Campaigners in Northern Ireland

The new Code provides political parties with agreed standards on what is acceptable behaviour both before and during polling day.

The Code covers:

- Electoral registration and absent vote applications
- Postal voting documents
- Campaigning outside polling places
- Complaints and allegations about electoral fraud.

Why we updated the Code of Conduct for campaigners

The Electoral Commission report on the [May 2023 Local Government elections in Northern Ireland](#) highlighted concerns raised relating to campaigning in the vicinity of polling stations by candidates. The report recommended that the Code of Conduct for canvassing in the vicinity of the polling stations should be updated.

Campaigners are an essential element of a healthy democracy, and their right to put their arguments to voters should be supported and protected. It is equally important, however, that the activities of campaigners do not bring into question the integrity of the electoral process.

All political parties had previously agreed to a Code of Conduct for canvassing in the vicinity of polling stations, which provided a guide on what is considered acceptable behaviour. However, it has been some time since this Code was reviewed. Also, its scope was limited to campaigning in the vicinity of polling stations. Elsewhere in the UK, political parties had agreed to a Code that also covers campaigning in the community in the run up to polling day. This along with the Elections Act changes relating to the rules on postal and proxy voting provided an opportune time to review the scope of the Code in Northern Ireland.

How we developed the Code

The Electoral Office for Northern Ireland and the Electoral Commission worked together to draft a new Code using the [Code of Conduct for Campaigners at UK Parliamentary general elections in Great Britain](#) along with the previously agreed-to [Code of Conduct for canvassing in the vicinity of polling stations](#) as a basis for its development.

Consultation feedback

Overall, respondents welcomed a Code that will provide political parties with an agreed set of standards on what is acceptable behaviour both before and during polling day. There were however some areas where additional clarity was sought and where possible we have amended the Code to make it clearer for campaigners and provided further clarity below.

Compliance with the Code

Some respondents raised concerns about compliance with the Code. While the Code outlines how parties can raise concerns and the actions that will be taken, below is some further detail to provide clarity on this.

We use the terms “must” and “should” throughout this Code. We use the term “must” when the person in question is legally required to do something and when we refer to criminal offences. We use “should” when the advice should be followed unless there is good reason not to.

Beyond the aspects of the Code that parties are legally required to follow the Code is voluntary and as such it is crucial that all parties support it to ensure any issues that arise are addressed in the most appropriate manner.

In the Code we advise that any concerns of criminal offences (referenced as ‘must’ in the Code) should be raised with the Police Service of Northern Ireland.

Any concerns that best practice has not been followed (referenced as “should” in the Code) should be raised first with the candidate, political party or campaigner in question. Thereafter any remaining concerns should be drawn to the attention of the Chief Electoral Officer. Concerns drawn to the attention of the Electoral Commission will be brought to the attention of the Chief Electoral Officer and/or PSNI and where appropriate raised with the relevant party or campaigner.

The Electoral Commission will monitor compliance with the Code and provide recommendations if improvements are needed through their standard post-election reporting process.

Security of absent voting (Postal and Proxy voting)

Some respondents raised concerns regarding the security of absent voting.

There are a significant number of additional local security features that ensures absent votes remain secure. This is coupled with further recent changes in the rules regarding postal and proxy voting.

All applications for registration are checked against high quality data from other government records before an application is approved. Then when an elector applies for a postal or proxy vote they provide their date of birth, National Insurance number and signature on the application. Most electors (over 95%) registered to vote online and must also provide their Digital Registration Number (DRN) on the application form. This helps to confirm that the person applying for the postal or proxy vote is the same person who is registered to vote.

In addition, the UK Government made further changes through the Elections Act 2022:

- On 31 October 2023, proxy voting rights changed with individuals limited to acting as a proxy for two people
- From 2 May 2024 it became a criminal offence for political campaigners to handle postal votes or postal vote envelopes.

Any campaigner who has evidence that an electoral offence has been committed should report it directly and without delay to the PSNI.

Unsubstantiated public claims (including on social media) from candidates or political parties about electoral fraud damages confidence in the electoral process. Therefore, any campaigner alleging fraud should give formal evidence to the PSNI before publicising or reporting any specific allegation. Knowingly raising false claims could be considered illegal.

Polling Agents

Some respondents asked for guidance on the behaviours of Polling Agents. The Code did not cover this as the law defines these rules and the Electoral Office provides instructions to Polling Agents on their duties when appointed.

The law states:

Polling Agents shall maintain the secrecy of voting and shall not communicate to any person before the poll is closed the following items:

- *the name of any elector/proxy elector who has or has not voted;*
- *the electoral number on the register of any elector / proxy elector who has voted or has not voted;*
- *the official mark on the ballot paper;*

In addition Polling Agents shall not

- *interfere or attempt to interfere with a voter when recording their vote;*
- *obtain or attempt to obtain the candidate a voter has voted for*
- *directly or indirectly induce a voter to display his marked ballot to make it known who he/she has voted for*

If a Polling Agent acts in contravention of these rules then they are on summary conviction liable for a fine up to £5000 or a term of imprisonment not exceeding 6 months

Section 66 of the Representation of the People Act 1983 (as amended).