



Northern
Ireland
Office

Anonymous registration : Protecting voters at risk in Northern Ireland

Proposals to introduce a scheme to protect those at risk of harassment and intimidation who wish to exercise their right to vote.

Comments on these proposals are invited and should be made to the address below by 25th April

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Summary

- The Government has a responsibility to ensure that all those who are eligible to vote feel able to do so without risk to their personal safety and security, or the safety and security of their families.
- The openness of the electoral register helps to ensure a free and fair electoral system; but this must be balanced against the rights of those at risk to exercise their right to vote freely and with peace of mind.
- The Government proposes the introduction of a scheme allowing voters at risk to register anonymously; the Chief Electoral Officer (CEO) will consider all applications for anonymous registration.
- An Applicant will be eligible if the safety of the applicant or that of any person of the same household would be at risk if the register contains the name of the applicant or his qualifying address.
- Applicants will have to provide evidence in the form of a relevant court order or injunction (see paragraph 27), or an attestation by an approved individual (proposals for which are listed at paragraph 26).
- Registration would last for 12 months from the day the anonymous entry is first made on the register – though an anonymous entrant could reapply should they still believe themselves to be at risk.
- Anonymous electors will only be eligible to vote by post.
- There will be no objections procedure for anonymous electors.
- Persons who have applications rejected will be able to appeal the decision.
- Anonymously registered persons would not be able to subscribe nomination papers but would be able to donate to parties, using their certificate of anonymous registration as evidence of entry on the electoral register.
- These proposals have the support of the Chief Electoral Officer.
- The introduction of anonymous registration to Northern Ireland will empower threatened individuals, ensuring that their democratic rights are protected.

Introduction

1. The Government is committed to ensuring that all those who are eligible to vote may do so in safety and with peace of mind. Unfortunately, a small proportion of the population feel unable to register to vote for fear that they may be traced through the electoral register. For example, victims of domestic violence, witnesses in certain criminal cases, and other vulnerable people may wish to vote but are afraid that certain individuals (such as abusive former partners) may use the electoral register to find their whereabouts. The Government has a duty to protect its citizens' ability to exercise their democratic rights in safety and without fear. However, it also recognises that it is democratically important to maintain an accessible electoral register.
2. In its 2003 report, *Voting for Change*, the Electoral Commission recommended that anonymous registration be made available to any elector able to demonstrate that a genuine threat to his/her safety would arise should his/her personal details be publicly accessible on the full electoral register. The Government accepted this recommendation –balancing public safety against the principles of electoral openness and accountability – and made legislative provision for the introduction of an anonymous registration scheme in Great Britain under the Electoral Administration Act 2006.
3. At this time, it was not considered practicable to include Northern Ireland within the remit of these provisions. This was because any anonymous registration scheme in Northern Ireland would have to take account of differences in electoral law there, particularly in the areas of registration and the prevention of electoral fraud. The Northern Ireland (Miscellaneous Provisions) Act 2006 therefore gave the Secretary of State a power to introduce a suitably amended form of the GB scheme to Northern Ireland via an Order in Council. During the passage of the Miscellaneous Provisions Bill, the Government agreed to carry out a public consultation on the proposed anonymous registration scheme before bringing forward further legislation.
4. This paper outlines the Government's proposals for the introduction of an anonymous registration scheme in Northern Ireland, similar to that operating in Great Britain.

The Government welcomes consideration of the proposals which are set out in detail in this consultation paper. Details on how to respond can be found on page 20 of this document.

THIS CONSULTATION CLOSSES ON THE 25th April

Background

The Electoral Commission

5. The Electoral Commission is an independent body set up by Parliament to help monitor and ensure the integrity of the democratic process in the UK. In June 2003, the Commission published *Voting for Change: An electoral law modernisation programme* which, among other things, recommended the introduction of anonymous registration “for individuals who can produce proof of a threat to personal safety” (available from <http://www.electoralcommission.org.uk>).¹

6. The Commission had first consulted publicly on the introduction of anonymous registration in 2002, in *Electoral registration: a Review of the Process* (“the Review”). The *Review* summarised the case for the introduction of anonymous registration in the UK as follows:

“The electoral register is a public document which is available for inspection. This has been the case historically on the grounds of democratic openness – the electorate and potential candidates have a right to know who in the area is registered to vote. In addition, public inspection is a deterrent against registration fraud – those inspecting can check that those who are entitled to vote are registered and those not entitled are not [...] The full register must be available for inspection by members of the public, but it may not be copied and access to it is now allowed only under supervision. Only the edited register, from which voters are given the right to have their names and details omitted, is available for sale to any person or organisation. Despite these measures to restrict the availability of the register, the fact that it remains available for public inspection is a cause of concern to some individuals who are anxious that their names and addresses are accessible from it. There are currently no provisions in the UK system of electoral registration whereby individuals may register anonymously. Concerns about personal safety and security are regularly expressed.”²

7. In the *Review*, the Commission stated that it had been contacted by a number of individuals who believed that they had been traced by persons posing a threat to their personal safety as a result of appearing on the full electoral register:

“A number of individuals have contacted the Commission citing examples of their own particular circumstances and the threats to them which have or may have ensued as a result of having their names and addresses publicly

¹ *Voting for Change*, the Electoral Commission, June 2003, p. 2; <http://www.electoralcommission.gov.uk/>

² *Electoral Registration: a review of the process*, The Electoral Commission, December 2002, pp. 28-29; <http://www.electoralcommission.gov.uk/>

available. The great majority of these are from those threatened with or having experienced violence, for example, from former partners or individuals whom they might have represented or taken action against in their line of work. There is also some evidence of targeting and burglary, for example, of elderly women living alone. The Equal Opportunities Commission has advised that two women a week are killed by partners or former partners and believe it may enhance women's safety if they are able to register anonymously."³

8. While the Commission argued that there was no firm evidence of the electoral register being used by criminals to identify and target victims, it concluded that the "widespread perception of risk and genuine fear of attack [...] should be acknowledged", and that "if ways to reduce that fear whilst preserving the usefulness of the register as a public document can be found we should try to do so."⁴

Legislative background

9. Anonymous registration was introduced in Great Britain through the amendments made by the Electoral Administration Act 2006 to the Representation of the People Act 1983 and by the Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2006.⁵ Anonymous registration became operational in GB on 1 June 2007.

10. At the time, it was not considered practicable to include Northern Ireland within the remit of these provisions. This was because any anonymous registration scheme in Northern Ireland would have to take account of differences in the body of electoral law which applies to Northern Ireland, particularly in relation to registration and the prevention of electoral fraud. For this reason, the Northern Ireland (Miscellaneous Provisions) Act 2006 gave the Secretary of State the power to make similar provisions to those contained in the Electoral Administration Act via an Order in Council. During the passage of the Northern Ireland (Miscellaneous Provisions) Bill, the Government agreed to carry out a public consultation on its proposed anonymous registration scheme for Northern Ireland..

Electoral Administration Act 2006 (c. 22)

11. Section 10 of the Electoral Administration Act 2006 inserts new sections 9B and 9C into the Representation of the People Act 1983. Section 9B sets out the requirements

³ Ibid. p. 29.

⁴ Ibid.

and procedures for anonymous registration, and provides for the making of regulations relating to entitlement to anonymous registration. Section 9C provides for the removal of an anonymous entry after 12 months – though anonymously registered individuals will be warned of the pending termination of their registration, so that they may reapply should they still believe their safety to be at risk.⁶

Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2006 (S.I. 2006/2910)

12. Regulation 12 inserts new regulations 31G to 31J in the Representation of the People (England and Wales) Regulations 2001. Regulations 31G and 31H set out the procedure for applying for anonymous registration, including the requirement for a declaration by the applicant. Regulations 31I and 31J set out the evidence which is acceptable as proof that an individual's safety would be at risk. Regulation 5 inserts new regulation 25A, which sets out the procedure for issuing reminders to persons who have anonymous entries which are due to be removed.

The Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33)

13. Section 1 of the Miscellaneous Provisions Act amends section 84 of the Northern Ireland Act 1998 providing the power to make an Order in Council introducing an anonymous registration scheme for Northern Ireland electors. However, the scheme must be “corresponding, or similar” to that introduced under section 10 of the Electoral Administration Act 2006. The intention was that this would allow the Government to introduce appropriate amendments to tailor the scheme to Northern Ireland, while maintaining broad parity with GB. The Order in Council will have to be approved by a vote in each House of Parliament.⁷

⁵ S.I. 2006/2910

⁶ Regulation 25A of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) as amended by the Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2006 (S.I. 2006/2910)

⁷ The order in council will be made under section 84(1) of the Northern Ireland Act 1998 (c. 47), which requires that the order must be “laid before and approved by resolution of each House of Parliament”.

Anonymous registration in Great Britain

14. The anonymous registration scheme operating in Great Britain is available to people who can demonstrate that there would be a threat to their personal safety if their name and address were to be listed on the electoral register. It is also available to others who live in the same household as the individual at risk, on the basis that an individual at risk might be traced through the details of members of their family or other close associates.⁸ It allows electors to vote in person, by post, or via a proxy without fear of their identities or addresses being made public, or of being traced through the publication of the details of those with whom they live.

15. There are strict criteria to assess eligibility for anonymous registration in GB. Any individual applying to be registered anonymously has to provide evidence such as a restraining order, injunction, or non-harassment order.⁹ If a person does not have an order of this kind they can apply using an attestation that has been signed by a “qualifying officer”. A “qualifying officer” must be one of the following:

- the Chief Officer of police of any police force in England and Wales;
- the Chief Constable of any police force in Scotland;
- the Chief Constable of the PSNI;
- the Director General of the Security Service;
- the Director General of the Serious Organised Crime Agency;
- any director of adult social services or children’s services in England or a director of social services in Wales; and
- any chief social work officer in Scotland.¹⁰

16. When an application for anonymous registration is granted, the only details that appear on the register are the person’s electoral number and the letter ‘N’ which has been prescribed in regulations.¹¹ The applicant receives a “certificate of anonymous registration”, which states the area for which the relevant registration officer is responsible, and the name, qualifying address, electoral number and date on which the registration took effect. The certificate also states that registration will terminate no later

⁸ Section 9B of the Representation of the People Act 1983 (c. 2) as inserted by section 10 of the Electoral Administration Act 2006 (c. 22)

⁹ Relevant court injunctions are listed in regulation 31I of the Representation of the People (England and Wales) Regulations 2001 as inserted by regulation 12 of the 2006 regulations (S.I. 2006/2910).

¹⁰ Regulation 31J of the 2001 Regulations, as amended

¹¹ Regulation 41A of the 2001 Regulations, as amended

than 12 months from the registration date if no renewal is made.¹² Regulations provide that the registration officer will send a reminder to anonymous electors in advance of the termination of their registration.¹³

17. Where the registration officer does not approve anonymous registration, no change will be made to the electoral register (i.e. no new entry added or current entry removed).¹⁴ An individual may appeal a rejected application – appeals are be lodged by the registration officer at the local County Court and hearings take place in private before a Judge. Alternatively, an individual should make a new application for ordinary or anonymous registration.

18. Because anonymous electors cannot be identified, members of the public cannot “object” to their presence on the register. For this reason, Electoral Commission guidelines note that registration officers should be particularly proactive in satisfying themselves that all the requirements for registration are met.¹⁵ Also, because they cannot be identified on the register, anonymous members may not subscribe nomination papers. While they may donate to registered political parties, anonymously registered persons must provide the party with a copy of their certificate of anonymous registration as proof of eligibility.¹⁶

19. The anonymous registration record is a sensitive document and access is allowed only to a limited set of persons and organisations, and only for certain prescribed uses:

- Returning officers and counting officers (for referendums) (access is automatic)
- The jury service (upon a request in writing)
- The Security Services and GCHQ (upon any request to see the register)
- Police forces and the Serious Organised Crime Agency (SOCA) (when requested in writing from the Director General of SOCA or a person with a rank more senior than superintendent).¹⁷

¹² Section 9C of the Representation of the People Act 1983, as amended by section 10 of the Electoral Administration Act 2006; also, regulation 45G of the 2001 Regulations, as amended

¹³ Regulation 25A of the 2001 Regulations, as amended

¹⁴ Section 9B(6) of the Electoral Administration Act 2006; also see regulation 25A of the amended 2001 Regulations

¹⁵ Paragraph 10 (page 3) of Electoral Commission circular EC24/2007, *Anonymous Registration*

¹⁶ A certificate of anonymity is issued under regulation 45G of the 2001 Regulations, as amended

¹⁷ Regulations 45C to 45F of the 2001 Regulations, as amended

Current privacy measures for electors in Northern Ireland

20. Currently, electors may choose to be excluded from the edited register. While the full register lists everyone who is entitled to vote and includes their address, the edited register leaves out the names and addresses of people who have asked for these details to be excluded from that version of the register. The edited register can be bought by any individual or organisation which asks for a copy, and can be used for any purpose. The main use of the full register is for elections and referendums, though it can be used for other purposes such as the prevention and detection of crime, and for checking identity when applying for credit. It is circulated to political parties and to electoral candidates. It may also be seen, under supervision, by any member of the public who so wishes (and partially copied by means of handwritten notes).

21. Given that anyone may access the full register, withholding information from the edited electoral register does not necessarily provide a safeguard for vulnerable persons. Anonymous registration will ensure that the personal details of individuals who are at risk do not appear on the full register, allowing these individuals to register in safety.

Proposals

22. The Government has a responsibility to ensure that all those who are eligible to vote feel able to do so without risk to their personal safety and security, or the safety and security of their families. While it is important to allow public access to a comprehensive and accurate electoral register, more secure alternatives should be available for those who would face a genuine risk to their safety as a result of their personal information being publicly available on the electoral register. In summary, the openness of the electoral register helps to ensure a free and fair electoral system; but this must be balanced against the rights of those at risk to exercise their vote freely and with peace of mind. It is for this reason that the Government is committed to extending anonymous registration to Northern Ireland in a form which is based on the scheme as it operates in Great Britain, but takes account of the different registration arrangements that exist in Northern Ireland. Our aim is to encourage those to register who are currently afraid to do so for fear of compromising their personal security.

Proposal 1

– The Government proposes to introduce a scheme allowing persons to register anonymously who would face a risk to their safety if their personal details were published on the full electoral register.

1.1 Do you support the introduction of an anonymous registration scheme?

Please give reasons for your answer, using evidence where possible.

Who would run the scheme?

23. Applications for anonymous registration in Great Britain are considered by local electoral registration officers. In Northern Ireland the Chief Electoral Officer has responsibility for all electoral registration and he would therefore have responsibility for considering all applications for anonymous registration. The Chief Electoral Officer is minded to deal with all such applications personally with the assistance of only a small number of staff, all of whom would be security cleared to an appropriate level.

Who would be eligible for the scheme?

24. The Government and the Electoral Commission agree that it is important to ensure that only those facing a *genuine* threat to their safety should be able to register anonymously. As in Great Britain, under these proposals applicants would be required to demonstrate eligibility through the production of one of a limited number of documents which would be acceptable evidence of risk to personal safety. There would be no blanket acceptance of applications on the grounds of a person belonging to a specific organisation or holding a specific occupation: each application would be considered individually on its merits. Anonymous registration would be the exception, rather than the rule, as in Australia and New Zealand where approximately 0.15% of the electorate have opted for anonymous registration. While the circumstances in Northern Ireland mean that we might expect a slightly higher number of successful applications for anonymous registration, we still foresee only a very small proportion of the electorate being registered anonymously.

25. We propose that the safety test for anonymous registration be the same as that in England and Wales; namely, that “the safety of the applicant for anonymous entry or that of any person of the same household would be at risk if the register contains the name of the applicant or his qualifying address.”¹⁸ Evidence of “risk” would be required in the form of a relevant court order or injunction, or an attestation by one of a list of individuals specified in Regulations. This would reflect the practice adopted in England and Wales, and Scotland.¹⁹

26. A qualified person who may attest would be:

- the Chief Constable of the Police Service of Northern Ireland, or any Chief Constable of a police force in Scotland;
- the Chief Officer of Police of any police force in England or Wales;
- The Director General of the Security Services or of the Serious Organised Crime Agency; or
- A director of social services of a Health and Social Services Board, or an executive director of social work of a Health and Social Care Trust.
- A Director of Adult Social Services or Children's Services in England, a Director of Social Services in Wales or a Chief Social Work Officer in Scotland.

27. In Northern Ireland, a relevant court order or injunction would be:

¹⁸ Representation of the People Act 1983, as amended, Section 9B (10)

- An injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under Article 5 of the Protection from Harassment (Northern Ireland) Order 1997;
- A restraining order made under Article 7 of the Protection from Harassment (Northern Ireland) Order 1997;
- A restraining order on acquittal made under article 7A(1) of the Protection from Harassment (Northern Ireland) Order 1997; or
- A non-molestation order made under Article 20(2) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998.

28. In line with England and Wales, we also propose that persons living in the same household as a person who qualifies for anonymous registration should also qualify. This would protect persons at risk from being traced through other householders' entries on the electoral register. Such individuals would have to satisfy the Chief Electoral Officer that they lived at the same address as a person who qualifies for anonymous registration

Proposal 2

– Eligibility for anonymous registration would rely on persons being able to provide evidence of risk – either in the form of a court injunction or an attestation by an appropriate person.

2.1 Do you think that eligibility for anonymous registration should be based on these criteria?

2.2 Do you think that anything should be added or removed from the proposed list of court orders or injunctions?

2.3 Do you think that anyone should be added or removed from the proposed list of qualified persons?

2.4. Do you have any other comments you wish to make on this proposal?

Please give reasons for your answer, using evidence where possible.

Applying for anonymous registration

29. An application for anonymous registration would be made alongside a normal application for registration. However, to limit the number of people aware of the identity of the applicant, both applications would be made direct to the Chief Electoral Officer. Applicants would have to meet the normal requirements for registration as well as satisfy the Chief Electoral Officer of the need for anonymous registration.

¹⁹ Paragraphs 28 to 32 of Electoral Commission circular EC24/2007, *Anonymous Registration*, provide

30. Should an application for anonymous registration be refused, no entry would be made on the electoral register. This would be to ensure that applicants could appeal the refusal, should they remain concerned about their safety. However, should the applicant currently be on the electoral register and be refused anonymous registration, no change would be made to the register. Should an applicant decide not to pursue anonymous registration further, he or she would be required to register the normal way. An applicant would be able to reapply for anonymous registration if he or she remained entitled to register to vote normally and could provide evidence (as described above) of meeting the risk assessment criteria.

31. As in Great Britain, registration would last for 12 months from the day the anonymous entry is first made on the register. It should be noted that this requirement for re-registration every 12 months is different to the usual Northern Ireland practice of continuous registration (where electors remain on the register until the Chief Electoral Officer ceases to be satisfied that they are properly registered or until the next canvass – whichever is earlier). However, given the limited category of people to whom this applies, and taking account of our view that anonymous entries on the Register should be regularly reviewed to ensure that they are still necessary (i.e. the individuals can still demonstrate evidence of risk to personal safety), we propose to follow the England and Wales model. This will also act as a further safeguard against fraud given that anonymously registered voters will not be subject to public scrutiny.

Proposal 3

– Should an application for anonymous registration be refused then the applicants entry on the register will remain unchanged, or, if the applicant is not registered, no entry will be made.

– Anonymous registration will last for 12 months, though applicants may reapply.

3.1 Do you have any comments to make on these proposals?

Please give reasons for your answer, using evidence where possible.

Sharing of anonymous registration information

32. Access to the personal details of anonymous voters would be carefully controlled, with exceptions for certainly clearly defined purposes. As in Great Britain we would propose that an anonymously registered person's name and address be shared with:

- The Juries Officer for each County Court Division (upon a request in writing – this is in fulfilment of the Chief Electoral Officer's duty to select jurors)
- The Security Services and GCHQ (upon any request to access the register)
- Police forces and the Serious Organised Crime Agency (SOCA) (when requested in writing by the Director General of SOCA or a person with a rank more senior than superintendent).

Proposal 4

– As in Great Britain, access to anonymous registration would be controlled. However, information would be shared for the purposes set out in paragraph 32.

4.1 Do you think that there are other circumstances in which anonymous registration information should be shared?

Please give reasons for your answer, using evidence where possible.

Voting as an anonymous elector

33. In England and Wales, an anonymously registered elector may vote by post, in person, or by proxy. However, the additional anti-fraud measures that exist in Northern Ireland mean that it would be impractical for anonymously registered electors to vote by proxy or in person (as they do in Great Britain) without compromising their identity. This is because in Northern Ireland an elector at the polling station has to provide satisfactory forms of identification, and a proxy voter has to identify for whom they are standing proxy. Should anonymously registered individuals vote at a polling station, they could not be identified at polling stations using photographic ID as Presiding Officers would only have access to their registration numbers and not their names. This would cause both administrative and security problems.

34. Furthermore, in Northern Ireland party representatives ('polling agents') congregate inside polling stations for the purpose of comparing names on the register against those who have arrived to vote. Indeed, it is the practice of the presiding officer to call out the names of those who have arrived so that polling agents can note who has

voted. Were a system to be in place whereby a presiding officer only called out an anonymous voter's electoral number, that would immediately draw attention to that voter, possibly compromising their security.

35. We therefore propose that anonymously registered electors in Northern Ireland should be restricted to voting by post. This would ensure that the identity of these electors could be satisfactorily protected.

Proposal 5

– Anonymously registered individuals will be restricted to voting by postal ballot.

5.1 Do you wish to comment on this proposal?

Please give reasons for your answer, using evidence where possible.

Objections in respect of anonymous registration

36. As mentioned above, applications for anonymous voting would not have the same level of public scrutiny as other electoral registration applications because the name and address supplied by an applicant for anonymous registration would not be on the electoral register. Because of this, there is no way that a person could know if another individual had registered anonymously and, consequently, lodge an objection if they so wished. In order to minimise the effects of the loss of public scrutiny in this respect, the Chief Electoral Officer would scrutinise every application carefully to ensure that all the criteria for registration are met in the case of individuals registering anonymously.

Proposal 6

– The Chief Electoral Officer would be particularly careful in ensuring that all the criteria for registration are met in the cases of individuals registering anonymously.

6.1 Do you wish to comment on this proposal?

Please give reasons for your answer, using evidence where possible.

Appealing a rejected application

37. Should an individual's application for anonymous registration be rejected, that person would have the right to appeal the decision. Individuals would have to notify the

Chief Electoral Officer of their wish to appeal within 14 days of a decision being made. Appeals would be lodged by the Chief Electoral Officer at the appropriate County Court. Hearings would take place in private before a Judge. Should an individual choose not to appeal, that person would be required to make a new application for ordinary registration or to reapply for anonymous registration.

Proposal 7

– Should an individual’s application be rejected, he or she would have the right to appeal the decision.

7.1 Do you wish to comment on this proposal?

Please give reasons for your answer, using evidence where possible.

Subscriptions and donations

38. We do not propose that anonymously registered people should be able to subscribe nomination papers. It would be inappropriate for a nomination to be subscribed by a person whose identity is not made publicly available.

39. We propose that anonymous persons should be allowed to donate to or engage in regulated financial transactions with political parties.²⁰ A person with an anonymous entry would be required to exhibit their certificate of anonymous registration as evidence of entry on the electoral register when donating to, or entering into regulated financial transactions with, a political party.

²⁰ The legal framework for regulating donations is contained in part 4 of the Political Parties, Elections and Referendums Act 2000 as amended by the Northern Ireland (Miscellaneous Provisions) Act 2006.

Proposal 8

– Anonymously registered persons would not be able to subscribe nomination papers.

– Anonymously registered persons would be able to donate to political parties, using a certificate of anonymous registration as evidence of eligibility.

8.1 Do you think that anonymously registered persons should be able to subscribe nomination papers?

8.2 Do you think that anonymously registered persons should be able to donate to political parties?

Please give reasons for your answer, using evidence where possible.

The Security situation in Northern Ireland

40. There are additional considerations to bear in mind when proposing an anonymous registration scheme for Northern Ireland. Though we expect the scheme to be primarily of benefit to victims of domestic violence and those involved in criminal cases,²¹ a number of individuals may seek to participate as a result of fears arising from Northern Ireland's security situation. We therefore propose that, as in Great Britain, the scheme should not set out specific categories of individual who would be automatically eligible, but rather be open to anyone who meets the safety test set out in paragraph 25 of this consultation. *i.e. can provide evidence that their safety would be at risk if the register contained the name of the applicant or his qualifying address.*

41. Police and prison officers, and those on the Limited Home Protection Scheme,²² may be particularly keen to keep personal details out of the public domain, and we have thought carefully about how to acknowledge the specific concerns of such groups, while also recognising the importance of maintaining the integrity of the electoral registration system. We have concluded that the fairest way to proceed should be to require members of such groups to apply for anonymous registration just as any other person in Northern Ireland would do, and that the eligibility of these applications should be considered against the same criteria which apply to members of the general public (i.e.

²¹ Statistics indicate that, while less common than in the Great Britain, incidents of domestic violence are more prevalent in Northern Ireland than security related incidents.

²² This scheme replaced the Key Person Protection Scheme (KPPS) in 2006.

the individual concerned would have to provide a relevant court injunction or an attestation signed by one of the qualifying persons). Applications will be considered on a case by case basis. This will protect those who are at risk without compromising the Government's belief that the electoral register should be maintained as fully and openly as possible.

Proposal 9

– The eligibility threshold for anonymous registration would be the same for all persons, and would be assessed on a case by case basis.

9.1 Do you think it is right for all applicants to be assessed individually against equal criteria?

Please give reasons for your answer, using evidence where possible.

Conclusion

42. We believe that the level of electoral registration in Northern Ireland can be increased by allowing a person to register anonymously if they can demonstrate that having their personal details on the register would put their safety or that of others in their household at risk. This option is already available to those who are eligible to vote in England, Wales, and Scotland; and it is right that the citizens of Northern Ireland should enjoy the same protection and rights as exist in the rest of the UK.

43. The Government acknowledges that there are potential disadvantages to introducing anonymous registration. Omitting certain names from the full electoral register reduces the openness of the electoral system; and some may argue that anonymous registration will lead to a perceived increase in the susceptibility of the electoral system to fraud. However, there are comprehensive anti-fraud measures currently in place in Northern Ireland; and, given the small number of applications we expect to be made, the Chief Electoral Officer would be able to scrutinise each application to ensure that all the requirements for registration are met and that the anonymous registration scheme is extended only to those who would legitimately benefit from it.

44. The Government strongly believes that anonymous registration would be of benefit to electors in Northern Ireland, who should have the same rights as citizens elsewhere in the UK. Anonymous registration provides a means to restore the vote to those who are currently disenfranchised as a result of legitimate concerns about their personal safety and will empower threatened individuals by enabling them to exercise their democratic rights without fear of placing themselves (or their loved ones) at risk.

45. These proposals have the support of the Chief Electoral Officer.

Impact Assessment

Equality Impact Assessment

46. Under Section 75 of the Northern Ireland Act 1998, public authorities are required to have due regard to the need to promote equality of opportunity between:

- Persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- Men and women generally;
- Persons with a disability and persons without; and
- Persons with dependants and persons without.

47. In addition to this obligation public authorities are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. These obligations are designed to ensure that equality and good relations considerations are made central to policy development and have the potential to make a real difference to the lives of the people most likely to be affected, by consulting with and taking into account how policy development may impact on them.

48. The Northern Ireland Office is fully committed to promoting equality of opportunity and good community relations in all its policies.

49. We have concluded that these proposals do not require a full equality impact assessment. The protection offered will be available to all those eligible to vote in Northern Ireland, regardless of section 75 categories.

Regulatory Impact Assessment

50. Based upon the experiences in Great Britain, and given the small number of persons who will be eligible for anonymous registration, we would not expect the proposed scheme to significantly impact upon the resources of those involved in administering the scheme.

Responding to this consultation

Queries regarding, and responses to, the proposals set out in this consultation document should be sent to:

Anonymous Registration Consultation

Elections Unit

Political Directorate

Northern Ireland Office

11 Millbank

London SW1P 4PN

Fax: 020 7210 0248

Tel: 020 7210 0263

E-mail: martin.adams@nio.x.gsi.gov.uk

Responses must be received by 25th April.

For analysis purposes it would be helpful if consultees could respond to specific points using the same numbering as that contained within the consultation document. A summary of the proposals upon which we invite views has been included for ease of reference.

If you are responding on behalf of a group or organisation please make this clear. Unless confidentiality is requested, it will be assumed that responses can be made available to others. However, if comments are made publicly available, they will not be attributed to individual respondents.

An electronic version of this document is available at <http://www.nio.gov.uk>

Responses: Confidentiality & Disclaimer

The information you send us may be passed to colleagues within the Northern Ireland Office, the Government or related agencies.

Furthermore, information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations (2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

Please ensure that your response is marked clearly if you wish your response and name to be kept confidential.

Confidential responses will be included in any statistical summary of numbers of comments received and views expressed.

The department will process your personal data in accordance with the DPA – in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

If you have any complaints or comments about the consultation process, you should contact: Donna Knowles, Central Management Unit, Northern Ireland Office, Stormont House, Stormont Estate. Belfast BT4 3SH.

Email: donna.knowles@nio.x.gsi.gov.uk

Tel: 028 90 527 015

List of proposals and questions

Proposal 1

– The Government proposes to introduce a scheme allowing persons to register anonymously who would face a risk to their safety if their personal details were published on the full electoral register.

1.1 Do you support the introduction of an anonymous registration scheme?

Proposal 2

– Eligibility for anonymous registration would rely on persons being able to provide evidence of risk – either in the form of a court injunction or an attestation by an appropriate person.

2.1 Do you think that eligibility for anonymous registration should be based on these criteria?

2.2 Do you think that anything should be added or removed from the proposed list of court orders or injunctions?

2.3 Do you think that anyone should be added or removed from the proposed list of qualified persons?

2.4 Do you have any other comments you wish to make on this proposal?

Proposal 3

– Should an application for anonymous registration be refused then the applicants entry on the register will remain unchanged, or, if the applicant is not registered, no entry will be made.

– Anonymous registration will last for 12 months, though applicants may reapply.

3.1 Do you have any comments to make on these proposals?

Proposal 4

– As in Great Britain, access to anonymous registration would be controlled. However, information would be shared for the purposes set out in paragraph 32.

4.2 Do you think that there are other circumstances in which anonymous registration information should be shared?

Proposal 5

– Anonymously registered individuals will be restricted to voting by postal ballot.

5.2 Do you wish to comment on this proposal?

Proposal 6

– The Chief Electoral Officer would be particularly careful in ensuring that all the criteria for registration are met in the cases of individuals registering anonymously.

6.2 Do you wish to comment on this proposal?

Proposal 7

– Should an individual's application be rejected, he or she would have the right to appeal the decision.

7.2 Do you wish to comment on this proposal?

Proposal 8

– Anonymously registered persons would not be able to subscribe nomination papers.

– Anonymously registered persons would be able to donate to political parties, using a certificate of anonymous registration as evidence of eligibility.

8.2 Do you think that anonymously registered persons should be able to subscribe nomination papers?

8.2 Do you think that anonymously registered persons should be able to donate to political parties?

Proposal 9

– The eligibility threshold for anonymous registration would be the same for all persons, and would be assessed on a case by case basis.

9.1 Do you think it is right for all applicants to be assessed individually against equal criteria?

Please give reasons for your answer, using evidence where possible.

The Northern Ireland Office has sent a copy of this consultation to the following bodies:

The Electoral Commission
The Chief Electoral Officer for Northern Ireland
The Office of the First Minister and Deputy First Minister
Department of Health, Social Services and Public Safety for Northern Ireland
The Northern Ireland Affairs Committee
Northern Ireland political parties
Westminster Party Spokespersons on Northern Ireland
The Lord Chief Justice
The Police Service of Northern Ireland
The Police Federation for Northern Ireland
The Superintendent's Association for Northern Ireland
The Association of Chief Police Officers
Prison Officers' Association
Prison Governors' Association
Northern Ireland Health and Social Services Boards
Northern Ireland Health and Social Care Trusts
NIPSA
The Equality Commission
The Northern Ireland Council for Voluntary Action
Chief Officers 3rd Sector
Northern Ireland Women's Aid Federation
Victim Support Northern Ireland
Refuge
Rape Crisis NI
Citizens Advice Bureaux
Men's Advisory Project
The Men's Project