



Northern
Ireland
Office

Government response to consultation

Anonymous registration :
Protecting voters at risk in Northern Ireland

February 2009

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Summary – Anonymous Registration

- The Government wishes 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 will introduce a scheme allowing voters at risk to register anonymously.
- The Chief Electoral Officer (CEO) will personally consider all applications for anonymous registration.
- An applicant will be eligible if their safety or that of any person of the same household would be at risk if the register contained their names or address.
- Applicants will have to provide evidence in the form of a relevant court order or injunction or an attestation by a qualified officer (see p. 11).
- Anonymous registration may last for up to 5 years from the day the anonymous entry is first made on the register.
- Anonymous electors will only be eligible to vote by post.
- 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.
- The introduction of anonymous registration to Northern Ireland will ensure that those at risk will be able to register to vote with peace of mind.

Introduction

1. In February 2008, the Northern Ireland Office undertook public consultation on proposals to address concerns held by those whose personal safety may be compromised if their details were publicly accessible on the full electoral register. This may include victims of domestic violence, witnesses in certain criminal cases and other vulnerable people who may wish to vote but are afraid that certain individuals may use the electoral register to establish their whereabouts. The consultation set out a series of proposals on the eligibility criteria and practical implications of the establishment of an anonymous registration scheme in Northern Ireland (for a list of proposals see Annex A). Responses were received from a variety of organisations (for a list of respondents see Annex B).

2. You can obtain copies of this report and the consultation document from www.nio.gov.uk or from:

Elections Unit
Northern Ireland Office
11 Millbank
London SW1P 4PN

Email: ElectionsUnit@nio.x.gsi.gov.uk
Telephone: 020 7210 0248
Textphone: 028 9052 7668

3. The responses to the consultation have assisted us greatly in formulating overall policy on the application of anonymous registration to Northern Ireland. We are grateful to all those who provided a response.

Background

4. 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 because they 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 may use the electoral register to establish their whereabouts. The Government recognises the importance of ensuring that its citizens are able to exercise their democratic rights in safety and without fear. However, it also recognises the importance of maintaining an accessible electoral register.

Current privacy measures

5. Currently, electors in Northern Ireland 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 may also be seen, under supervision, by any member of the public who so wishes (and partially copied by means of handwritten notes).

6. Given that anyone may access the full register, simply withholding information from the edited electoral register may not provide a sufficient 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 with peace of mind.

7. 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.

8. 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 provided the Secretary of State with a power to introduce a suitably amended form of the GB scheme to Northern Ireland via an Order in Council. The Government also agreed to carry out a public consultation on the proposed anonymous registration scheme before bringing forward further legislation. Having completed this consultation process, we now intend to bring forward legislation to introduce an anonymous registration scheme for voters in Northern Ireland. This paper outlines the specific proposals and amendments which we intend to take forward by virtue of the Order in Council.

9. A flow chart is attached at Annex C which outlines the basic process for applying to be registered anonymously on the electoral register.

Consultation Responses: Key Issues

Proposals 1-2: Access to anonymous registration

10. All respondents favoured the introduction of an anonymous registration scheme that would enable those at risk to apply for anonymous entry on the electoral register. A number of respondents emphasised the need to ensure that all those at risk would be eligible for the scheme. The safety test for anonymous registration will be the same as that currently operating in England and Wales, 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 their qualifying address”. Evidence of risk would be required in the form of a relevant court order or injunction, or an attestation from a qualified officer.

11. The Electoral Commission’s response highlighted the importance of ensuring that the Northern Ireland scheme recognises relevant court orders or injunctions granted elsewhere in other UK jurisdictions, as well as ensuring that the category of people qualified to provide attestations is kept under review. The latter point was also raised by a respondent concerned with the impact of the ongoing Review of Public Administration in Northern Ireland and the fact that the titles of certain qualified attestors may change.

12. The Northern Ireland Association for the Care and Resettlement of Offenders and Women’s Aid suggested that the list of those who may provide attestations should be extended to take account of the work of their staff in their respective areas of expertise.

13. **We are committed to ensuring that anonymous registration is available to all those who would face a genuine risk should their details be publicly accessible on the full electoral register. We believe that this can best be achieved by using the objective criteria set out in the consultation document.**

14. We will also ensure that the list of persons qualified to provide attestations remains fit for purpose, and will work with the relevant public authorities to amend the list as necessary. Furthermore, we will ensure that the Northern Ireland scheme acknowledges the relevant court orders and injunctions that are recognised elsewhere in the UK and will work with colleagues in the Ministry of Justice to ensure that the scheme in Great Britain encompasses the equivalent Northern Ireland orders and injunctions.

15. As a result of the consultation responses received, and consultation with colleagues in the Ministry of Justice and PSNI, we have amended the list of qualifying officers to enable officers of the rank of Superintendent or above to provide attestations for the purposes of anonymous registration. The list of qualified officers therefore includes:

- an officer of the rank of Superintendent or above of the Police Service of Northern Ireland, or any police force in England and Wales or Scotland;
- the Director General of the Security Services or of the Serious Organised Crime Agency;
- a Director of social services of a Health and Social Services Board, established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972, or an executive director of social work of a Health and Social Care Trust, established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991¹; or
- 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.

16. The list of relevant Northern Ireland court orders or injunctions is as follows:

- an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings

¹ Under the Health and Social Care (Reform) Bill, currently being progressed through the Assembly, these titles are likely to change with effect from 1 April 2009.

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.**

For a list of the relevant court orders and injunctions in England and Wales and Scotland, please see Annex D.

17. We appreciate the valuable work of non-government organisations in assisting those whose personal safety, and that of their families, may be at risk – for example victims of domestic violence. However, to ensure consistency of approach across the UK, it is important that those qualified to make attestations in Northern Ireland mirrors those in Great Britain. We believe that the individuals mentioned in the consultation document have the necessary professional expertise to assess whether the risk to persons is sufficient to justify anonymous registration. Having consulted with colleagues in the Ministry of Justice we will amend our proposals to the effect that officers of the rank of Superintendent or above will be qualified to provide attestations.

Proposal 3: Duration of anonymous registration

18. It was proposed in the consultation that successful applications for anonymous entry would remain valid for a period of 12 months. A number of respondents suggested that this period be extended, noting that it could present a barrier to those wishing to seek to register in this way. In addition, some argued that as many of the relevant court orders or injunctions were themselves valid for longer than 12 months, the period of anonymous registration should reflect this.

19. We are committed to ensuring that the system of applying for anonymous registration is both robust and accessible. Having consulted with colleagues in

the Ministry of Justice, we will amend our proposals to enable qualifying officers to recommend a period of anonymous registration to the Chief Electoral Officer up to a maximum of 5 years when providing attestations. Those providing relevant court orders or injunctions will be able to remain anonymously registered for the period of the order.

Proposal 4: Information sharing

20. The Chief Electoral Officer will keep the information he holds on anonymously registered voters confidential. However, there may be circumstances under which the details of those registered anonymously are shared with other Government bodies in the interests of crime prevention and national security. Most respondents acknowledged the importance of sharing data within the limited and specific criteria outlined in the proposals and in line with the policy already in operation in the rest of the UK.

21. In line with UK-wide policy, information on those anonymously registered will only be shared when requested by an officer of the appropriate rank for the purposes of crime prevention or in the interests of national security.

Proposal 5-6: Management of scheme

22. To ensure that anonymously registered voters can exercise their votes in confidence, it is essential that they are provided with a postal vote, given the anti-fraud mechanisms in operation in Northern Ireland polling stations. The Chief Electoral Officer will be responsible for ensuring that all applicants seeking to register anonymously meet the appropriate criteria, and therefore all applications will be made directly to his office. This will ensure sufficient control in terms of accessing the personal data of applicants and all respondents were in favour of these proposals.

23. Having consulted with the Electoral Office for Northern Ireland, it has been agreed that during the application process for anonymous registration, all relevant data to enable the automatic provision of a postal vote for successful applicants

will be collated and that the Chief Electoral Officer will be responsible for the management of the scheme.

24. In order to monitor both the rate of applications for anonymous entry, and the number of entries made, the Electoral Commission recommended that data be collated to enable benchmarking against the system currently operating in Great Britain. Such data would enable evaluations to be made of the efficacy of both schemes, and the early detection of any specific issues which require further attention.

25. The Chief Electoral Officer will make available data on the dates of applications received, reasons given, types of evidence provided and whether the applications were accepted or rejected, including the reasons for rejection.

Proposal 7: Appeals process

26. Should an individual's application for anonymous registration be rejected, that person would have the right to appeal the decision, and no change would be made to any existing entry on the electoral register. 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. A number of respondents noted their support for this proposal.

27. In order to uphold the accuracy and integrity of the information contained in the electoral register, it is important that information relating to individuals is only removed when they have provided evidence to satisfy all relevant application criteria.

Proposal 8: Subscriptions and donations

28. The consultation paper suggested that those who are registered anonymously on the electoral register should not be able to subscribe nomination papers, as it would be

inappropriate for a nomination to be subscribed by a person whose identity is not made publicly available. However, it also stated that those registered anonymously should be able to donate to or engage in regulated financial transaction with political parties.² 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. Those who referred to this proposal in their response to the consultation were supportive of it.

29. We agree that those registered anonymously should not be able to subscribe nomination papers, as it would be inappropriate for a nomination to be subscribed by a person whose identity is not made publicly available. However, those registered anonymously should be able to donate to or engage in regulated financial transactions with political parties. 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.

Proposal 9: Criteria for anonymous registration

30. A small number of respondents suggested introducing 'blanket exemptions' for particular categories of people, for example, those who believe that they may be at risk due to the nature of their employment.

31. As noted above, we are committed to ensuring that all those who would face a genuine risk to their safety if their personal details were available on the electoral register are able to avail of anonymous registration. However, we believe that this can best be achieved by using the objective criteria set out in the consultation document, rather than allow for blanket exemptions for certain categories of people.

² 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.

Conclusion

32. The introduction of anonymous registration will provide peace of mind for those who may be at risk if their personal details were included on the full register. It will enable them to register without fear of identification and, in doing so, ensure that they are able to exercise their right to vote. We will therefore bring forward legislation in the coming months to provide for an anonymous registration scheme in Northern Ireland similar to that operating in the rest of the UK. We are grateful to all those who took the time to read and respond to the consultation document.

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.

4.1 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.

5.1 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.

6.1 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.

7.1 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.

8.1 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?

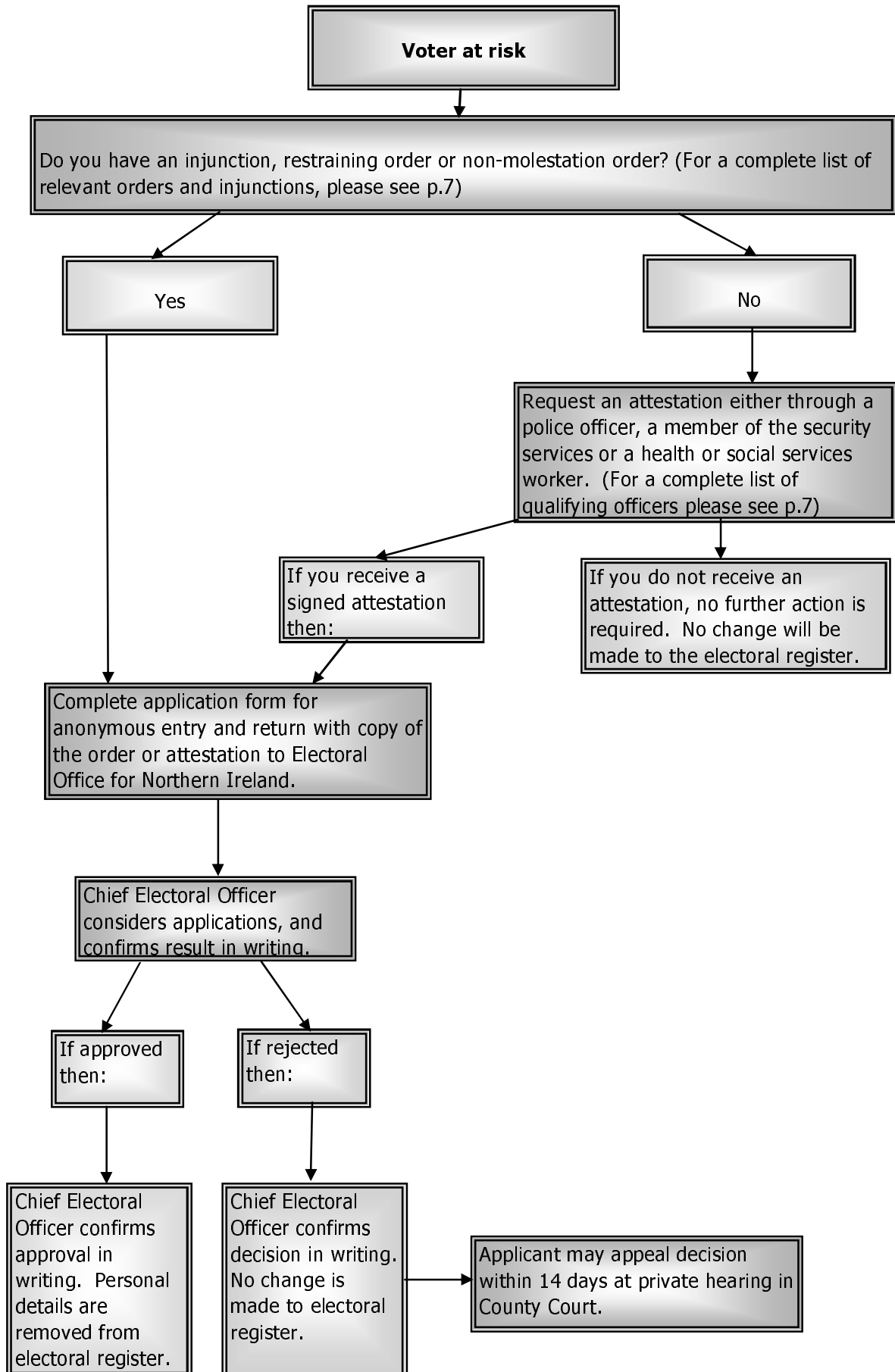
Proposal 9

– 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?

List of respondents to consultation

Department of Health, Social Services and Public Safety
Disability Action
Electoral Commission
Electoral Office for Northern Ireland
Lord Chief Justice's Office
Northern Health and Social Services Board
Northern Ireland Association for the Care and Resettlement of Offenders
Northern Ireland Court Service
Police Federation Northern Ireland
Police Service of Northern Ireland
Social Democratic and Labour Party
Southern Health and Social Care Trust
Southern Health and Social Services Board
Superintendents' Association
Women's Aid Federation Northern Ireland



Relevant court orders and injunctions

Excerpt from The Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2006

Anonymous registration: evidence consisting of relevant court orders or injunctions

31I. — (1) Evidence which meets the following conditions is prescribed for the purposes of regulations 31G(3) and 31H(2)(a).

(2) The first condition is that the evidence is, or is a copy of, a relevant order or injunction.

(3) A relevant order or injunction is—

(a) an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under section 3 of the Protection from Harassment Act 1997;

(b) an injunction granted under section 3A(2) of the Protection from Harassment Act 1997;

(c) a restraining order made under section 5(1) of the Protection from Harassment Act 1997;

(d) a restraining order on acquittal made under section 5A(1) of the Protection from Harassment Act 1997;

(e) a non-harassment order made under section 8(5)(b)(ii) of the Protection from Harassment Act 1997;

(f) a non-harassment order made under section 234A(2) of the Criminal Procedure (Scotland) Act 1995;

(g) a non-molestation order made under section 42(2) of the Family Law Act 1996.

(4) The second condition is that the relevant order or injunction is made for the protection, or otherwise for the benefit, of—

(a) the applicant for an anonymous entry, or

(b) another person of the same household as him.

(5) The third condition is that the relevant order or injunction is in force on the day on which the application for an anonymous entry is made.