

# Guidance for Electoral Registration Officers

## Part 2 – The registration framework

March 2018



**SAA**

*Scottish Assessors Association*



## Updates to this document

Updated	Description of change
September 2013	Original publication
May 2015	Updated for the 2015 canvass and the period leading up to the May 2016 polls
July 2015	Revised for Scotland to reflect The Scottish Elections (Reduction of Voting Age) Act 2015. This change applies to any elections in Scotland that use the local government register (and only the local government register) for the purpose of determining the franchise.
November 2015	Revised to reflect the end of the transition being brought forward to December 2015
July 2016	Updated to remove references to electors who are not registered individually; to reflect the new performance standards; and to reflect the Representation of the People (England and Wales) (Amendment) Regulations 2016
June 2017	Updated to include legal references and make minor consequential amendments; to reflect the transfer of functions from the Chancellor of the Duchy of Lancaster to the Minister for the Cabinet Office <sup>i</sup> ; to reflect the Representation of the People (Scotland) (Amendment) Regulations 2017; to add reference to the ERO being a senior officer (paragraph <b>2.5</b> ); and to, add in links to examples of good practice in electoral registration.
March 2018	Updated to: <ul style="list-style-type: none"> <li>• take account of the EU General Data Protection Regulation (GDPR) (effective from 25 May 2018) and the Data Protection Bill</li> <li>• provide revised contact details for immigration checks (paragraphs <b>3.59</b> and <b>4.16</b>)</li> <li>• highlight that a change to the British Nationality Act 1981 is required to amend the list of commonwealth countries (paragraph <b>3.71</b>)</li> </ul>
April 2018	Paragraphs <b>3.40</b> and <b>3.87</b> have been updated to reflect that in some limited circumstances, convicted prisoners who have been released on temporary licence may meet the criteria to register to vote.

<sup>i</sup> [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016](#)

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# 1 About this guidance

1.1 This is the second part of the comprehensive guidance for EROs on planning for and delivering well-run electoral registration services. It sets out the legislative framework governing electoral registration, including the roles and responsibilities of Electoral Registration Officers (EROs).

1.2 The guidance is directed towards the ERO and the duties they carry out. As these duties may, in practice, be carried out by deputies and/or appointed staff, we use the term 'you' throughout this guidance to mean the ERO and whoever is carrying out the ERO's functions on their behalf. Throughout this document we use 'must' to refer to a specific legal requirement and 'may / should' for recommended practice.

1.3 It has been developed in close consultation with members of the Society of Local Authority Chief Executives (SOLACE), the Association of Electoral Administrators (AEA), the Scottish Assessors Association (SAA), the UK Electoral Coordination and Advisory Board (ECAB) and the Elections, Registration and Referendums Working Group (ERRWG). It reflects the ERO's legal obligations and what we, the AEA, SOLACE, the SAA, the ECAB and the ERRWG believe that EROs should expect of their staff in planning for and delivering well-run electoral registration services.



The guidance relating to the Scottish Elections (Reduction of Voting Age) Act 2015 has been developed in close consultation with the SAA, AEA and the Electoral Management Board for Scotland (EMB), and reflects what the SAA, AEA and EMB believe EROs in Scotland should expect of their staff in planning for and delivering well-run electoral registration services in relation to young electors.

Any specific considerations or differences arising from this legislation are highlighted in break-out boxes like these throughout the guidance.

1.4 The guidance is based on the legislation listed in paragraph 1.8 of [Part 1 – Planning for the delivery of electoral registration activity](#). Whenever there are any changes to the legislation, we will provide further guidance and support to EROs and update the relevant guidance Parts as appropriate. Legislative references are included throughout the guidance as endnotes. As there are two versions of the Representation of the People Regulations 2001: one for England and Wales, and one for Scotland; both versions of the legislation are referenced. For example, "Regulation 26(1)(j) 2001 Regulations, RPR (Scotland) 2001" is referring to Regulation 26(1)(j) in both the England and Wales version and the Scotland version of the 2001 Regulations.

1.5 You will find references to the [performance standards framework](#) embedded throughout the guidance. The overall objective of the performance standards

framework is to support EROs in planning for and delivering well-run electoral registration services. The framework was developed around key outcomes from the perspective of ensuring that all eligible people are able to participate in the electoral process, should they wish to do so, and of achieving electoral registers that are as accurate (including ensuring no fraudulent entries on the electoral register) and complete as possible.

1.6 Our guidance, tools and templates, along with support provided by our teams across England, Scotland and Wales, will continue to help you to plan for and deliver well-run electoral registration services. The tools and templates we have made available are highlighted in break-out boxes throughout the guidance.



We have been working with the AEA to identify specific examples of good practice in electoral registration. The following resources have been published on our website and are highlighted in break-out boxes throughout the guidance.

- [Use of tablets in electoral registration](#)
- [Communications](#)
- [Reaching care home residents](#)
- [Effective personal canvassing](#)
- [Encouraging responses](#)
- [Reaching students](#)
- [Effective use of available data](#)
- [Effective management of registration processes](#)

Our [resource](#) on the EU General Data Protection Regulation and the Data Protection Bill also contains examples of good practice in relation to data protection.

# 2 Your role and responsibilities

## Electoral Registration Officer

2.1 In order to be able to vote in elections in Great Britain, a person's name must be included in a register of electors. Responsibility for compiling the register of electors lies with the ERO.

2.2 In England, the council of every district and London borough is required to appoint an officer of the council to be the ERO. In the City of London, the Common Council must appoint an officer as the ERO.

2.3 In Wales, the appointment of the ERO is made by the county or county borough council, and the person appointed must be a current officer of the council.

2.4 In Scotland, the ERO must either be appointed by the local authority or by a combination of local authorities. The person appointed must either be an officer of that council or an adjoining council.

2.5 The ERO should be a senior officer, for example the Chief Executive/Head of Paid Service, and should undertake relevant training to ensure that they have, and maintain, the skills required for the role.

2.6 As ERO you have a duty to maintain a register of parliamentary electors and a register of local government electors,<sup>1</sup> as well as a register of relevant citizens of the European Union entitled to vote at European Parliamentary elections<sup>2</sup> and a register of those peers living outside the UK who have made a declaration to vote at European Parliamentary elections.<sup>3</sup> These registers contain the details of all those who are registered to vote and must be combined as far as is practicable. Any reference to 'the register' in this guidance manual should therefore be construed as a reference to the combined registers unless otherwise stated.



In Scotland, the franchise for Scottish Parliamentary and local government elections includes 16 and 17 year olds. This means that the local government register will include 16 and 17 year olds as full electors. Additionally, 15 year olds and some 14 year olds are entitled to be included on the local government register as 'attainers'. For the purposes of the local government register in Scotland, an attainer is someone who turns 16 by the end of the twelve months following the 1 December after the 'relevant date' (see Chapter 3 for more information on the 'relevant date').

The combined register will therefore need to make clear the date on which those included on it that are under 18 years of age will become 18 years old in order to clearly show their eligibility to vote in different elections.

No information on those aged under 16 must be included on **any** version of the register published or otherwise made available, except in very limited circumstances. For further information, see Chapter 11 of [Part 4: Maintaining the register throughout the year](#).

2.7 You must also produce an edited (or 'open') version of the register.<sup>4</sup> Throughout this guidance we use the term 'edited register', as this is the technical term used in the legislation. The term 'open register' is used to describe the edited register to members of the public to make it easier to understand the purpose of this register and how it is used. In specific instances where we do mention the edited register in this context, we will refer to the edited register as the 'open register'.

2.8 The edited register contains only the names and addresses of those on the full register who have not taken the decision to opt out of their details appearing on the edited register.



In Scotland, a person under 16 years old is automatically opted out of the edited register. The details of any person under 16 years old must not be included in **any** version of the published register, including the edited register.<sup>5</sup>

2.9 The local authority that appointed the ERO must, by law, provide you with the resources you need to discharge your statutory functions, and any expenses properly incurred by an ERO in the performance of their functions must be paid by the local authority that appointed them.<sup>6</sup> These functions include the duties of the ERO that are set out in legislation, and any further duties imposed by a direction of the Secretary of State. The Secretary of State has a power to direct EROs in the discharge of their functions. The Secretary of State can only exercise this power of direction on, and in accordance with, a recommendation of the Electoral Commission.

2.10 You will need to publish registers that are as accurate and complete as possible: by accurate we mean that there are no false entries on the electoral registers, and by complete we mean that every person who is entitled to have an entry in an electoral register is registered.

2.11 You have a duty under Section 9A of the Representation People Act 1983 (as amended by the Electoral Registration and Administration Act 2013) to take all necessary steps to comply with your duty to maintain the electoral register, and to ensure, as far as is reasonably practicable, that all those eligible (and no others) are registered in it.



2.12 The Section 9A steps are:

- sending more than once to any address the form to be used for the canvass
- making on one or more occasions house to house inquiries
- making contact by such other means as the registration officer thinks appropriate with persons who do not have an entry in a register
- inspecting any records held by any person which he is permitted to inspect under or by virtue of any enactment or rule of law
- providing training to persons under his direction or control in connection with the carrying out of the duty

2.13 You must actively consider each of the steps listed in Section 9A and take all such steps, or indeed any other step(s) not listed, that you consider necessary in order to fulfil your duty to maintain the register of electors. The steps do not need to be taken in any particular order.

2.14 If you fail to take steps where necessary, you may be in breach of official duty, which on summary conviction can result in a fine not exceeding level 5 on the standard scale.<sup>7</sup>

2.15 EROs are not required to send a HEF to a particular address in specific prescribed circumstances:<sup>8</sup>

- During the canvass, an ERO is no longer legally required to send a HEF to an address (or carry out the follow-up processes if a HEF has already been sent) if they have successfully determined a registration application for that address and the applicant has indicated that they are the only person resident aged 16 or over (14 or over in Scotland).
- Outside the canvass, where an ERO has successfully determined a registration application for an address and the applicant has indicated that they are the only person resident aged 16 or over (14 or over in Scotland), the ERO is not required by law to send a HEF as part of the next annual canvass.

2.16 Further detailed guidance is contained in [Part 3: Annual canvass](#).



In Scotland, while the Section 9A duty to take all necessary steps to ensure your registers are accurate and complete still applies, the requirement to carry out house-to-house enquiries as part of the annual canvass has not been extended to 14 and 15 year olds.

2.17 EROs are also required by law to take specified steps to follow up any HEF non-responses, including issuing two reminders and making a personal visit. Any potential new electors identified will also need to be sent an ITR and a registration application form, and you will need to take the specified steps – issuing two reminders and a personal visit - to follow up with any ITR non-

responders.<sup>9</sup> These processes will not all be linear and will need to be carried out concurrently.

2.18 These duties apply **throughout** the year and not just during the canvass period.



In Scotland, a personal visit to 14 or 15 year olds who have not responded to an ITR is not required at any time during the year.<sup>10</sup>

If you do not make a visit to the household, you should consider what other mechanisms you can use to encourage a response from those in this age group. For example, you could contact under 16s by email if you hold their email address. Also, as part of any canvass follow-up activity, there may be an opportunity to remind any adults living at an address that 15 year-olds and some 14 year-olds are now entitled to register and to ask them to encourage any 14/15 year olds at the address to apply to register online.

You should also consider working with partners that specifically work or have influence with young people and reflect this in your plans. For further information, see Chapter 2 of [Part 1: Planning for the delivery of electoral registration activity](#). We have provided specific guidance on engaging with young people and attainers in our [example tactics sheet](#) for reaching target audiences.

2.19 Section 69 of the Electoral Administration Act 2006 also gives EROs a duty to take such steps as they think appropriate to encourage the participation of electors in their area in the electoral process. In doing this, EROs are required to have regard to any guidance issued by the Electoral Commission.



Local authorities in Scotland have a duty to promote awareness of how to register as local government electors for children that are “looked after” by that council (who can be up to the age of 18) and to provide assistance to help such young people to register.<sup>11</sup> EROs will need to engage actively with other departments and staff in local authorities and other bodies with responsibilities of care to promote awareness of these arrangements. “Looked after” children in these circumstances are children that:<sup>12</sup>

- the council is providing living accommodation for because no-one has parental responsibility for the child, the child is lost or abandoned, or the person who had previously been caring for the child cannot provide suitable accommodation or care
- the council is required to supervise under a “supervision requirement” of a children’s panel or a sheriff
- the council has responsibilities for under a legal order, authorisation or warrant, issued in Scotland by a children’s hearing or sheriff, or, in the rest of the UK, by a court.

2.20 In addition to maintaining the register, you also have a duty to process absent vote applications, maintain the absent voting record and produce the lists of absent voters for an election.<sup>13</sup>

## Role of data controller

2.21 As ERO, you are a ‘data controller’ with a statutory duty to process certain personal data to maintain the electoral register. Under data protection legislation you will need to be able to **demonstrate** that you comply with the principles of processing personal data, ensuring that it is processed lawfully, fairly and in a transparent manner.

2.22 Advice from the ICO is that all data controllers will need to ensure that they are registered with the ICO. This means that EROs and ROs must be registered separately to their council.

2.23 Under the data protection legislation, a “public authority” must appoint a data protection officer (DPO) to advise on data protection issues. As ERO or RO, you are not included in the definition of a “public authority” contained in Schedule 1 to the Freedom of Information Act 2000 and are therefore not required to appoint a DPO for the conduct of your duties; however, your appointing council must have a DPO in place and you should liaise with them over good practice in relation to data protection.

2.24 A key element of data protection legislation is the increased focus on accountability and transparency when processing personal data. You must be able to demonstrate that you comply with your obligations under data protection legislation, ensuring that personal data is processed lawfully, fairly and in a transparent manner. The key to achieving this is to have and maintain written plans and records to provide an audit trail.



Our [resource](#) on the EU General Data Protection Regulation and the Data Protection Bill shows how you can put measures in place to meet the requirement to demonstrate compliance and to ensure that data protection is integral to all you do.

## Deputies

2.25 The council can approve the appointment of one or more Deputy EROs, known as a Deputies in Scotland, who can carry out the duties and powers of the ERO. Unlike Returning Officers, the ERO cannot appoint a deputy themselves, unless the power to do so has been delegated to them by the council.<sup>14</sup> The council may give a deputy full or particular powers and this should be made clear in the appointment. In particular, it may be useful to appoint deputies to undertake quasi-judicial procedures, such as hearings of registration applications, objections and reviews.

2.26 You should ensure that deputy arrangements are in place in case you are unable to act personally. Any deputies appointed should have the skills and knowledge required to carry out the functions that they have been assigned. Appointments should be made in writing and include details of the functions that the deputy is authorised to exercise on your behalf. The acceptance should also be made in writing.

2.27 In England and Wales, if the position of ERO is vacant or the ERO is incapable of acting, any of the duties and powers of the ERO may be carried out by the proper officer of the council.<sup>15</sup>

## Electoral registration team

2.28 The council that appointed you must, by law, provide officers to assist you in carrying out your statutory functions.<sup>16</sup> You should consider how the council can provide the necessary support to ensure your registration plans can be delivered successfully. In particular, you should ensure that you have an adequate number of staff with the right skills as part of the team that will support you in carrying out your statutory duties. For guidance on planning, training and recruitment, see [Part 1 – Planning for the delivery of electoral registration activity](#).

## Resources

2.29 As part of your annual planning process, you will need to consider what budget you require in order to carry out your statutory functions. The budget for registration should be settled between you and the council which appointed you, and that should be sufficient to allow you to fulfil your duty to maintain the register. This should include carrying out house-to-house enquiries, personal visits, postal or other enquiries as are necessary in order to produce a complete and accurate register of electors and to meet your Section 9A duties.

2.30 In Scotland, if you are acting on behalf of more than one local authority, each local authority should contribute to the registration budget.

2.31 You should properly account for the expenses of registration you incur and liaise with the council to agree a suitable accounting process and budget.

2.32 While we recognise the increasing budget pressures facing local authorities which force them to make difficult choices between competing statutory services, a lack of resources does not exempt you from complying with the law.

# 3 Eligibility to register

3.1 There are three aspects to the entitlement to be registered:<sup>17</sup>

- that the application is made by someone who appears to be the person named on the application
- that any statutory requirements in relation to the application, including how it may be made and the information it must contain, are met, and
- that the person named on the application appears to the ERO to meet the eligibility criteria for registration and is not disqualified from registering

## Relevant date

3.2 You must make a determination on applications for registration based on whether or not an applicant meets the requirements for registration and whether or not they are disqualified from registration on the 'relevant date'. The relevant date will vary depending on the way in which the application is made.

3.3 An application for registration may be made in the following ways:<sup>18</sup>

- on a paper form sent or delivered to you directly
- on an on-line form hosted by the IER Digital Service with the details of the application sent to you by that service
- at your discretion, in person
- at your discretion, by a telephone call with you

3.4 The relevant date of an application for registration sent to you on a paper form is the day the application is made<sup>19</sup>, i.e. when the form is completed by the applicant. Regardless of the relevant date, an application to register must be received by the appropriate deadline. For example, a paper application dated before the registration deadline but received after it would not be able to be determined and included in the next update to the register.

3.5 Applications made online are deemed to be made on the date the IER Digital Service records the application as being made, and that electronic date stamp will be included on the information sent to you with the application.

3.6 Telephone and in-person applications are deemed to be made at the time all the information required for the application has been recorded and the applicant has declared the truth of the information.

# Qualifying address

3.7 The qualifying address is the address a person is entitled to be registered at. This is the address where the applicant or elector must be 'resident' in accordance with electoral legislation (see below).

3.8 The register must include the qualifying addresses of those persons registered in it<sup>20</sup>, subject to certain exceptions, including overseas and anonymous electors, which are discussed in [Part 4: 'Maintaining the register throughout the year'](#). [Part 3: Annual canvass](#) contains further information on the format of the register.

## Residence

3.9 A person must be resident on the relevant date at the address at which they are seeking to be registered.<sup>21</sup> Residence has a particular meaning in electoral law and is not equivalent to residence for other purposes such as income tax or council tax.

3.10 Normally it will be the case that a person is resident at an address for electoral purposes if that is their permanent home address.

3.11 When making a determination on the residence requirements, you will need to consider the particular circumstances of the applicant, including the purpose for which they are present at a particular address and/or the reasons they are absent.



Certain categories of electors, including service voters, anonymous electors and overseas electors, have special provisions entitling them to register despite not meeting the residence requirement. On submission of the relevant declaration together with their application to register to vote, such electors will be deemed to meet the residence requirement. Further information on these types of elector and the process by which they can register can be found in [Part 4: 'Maintaining the register throughout the year'](#).

## Requesting further information

3.12 If you are not satisfied that an applicant or elector is resident at a particular address, you can ask the applicant or elector to provide further information to help you determine whether they are resident for the purposes of registration.<sup>22</sup> For example, you may have particular local knowledge that suggests that the applicant is not resident. While it will clearly be in the interest of the elector or applicant to respond to any such request, you cannot require them to provide you with this information. Where they do not respond and you cannot obtain this information through other means, you may put their application on hold or review their registration.

3.13 You separately have the power to require information from **any other** person for the purposes of maintaining the register.<sup>23</sup> This means that you can, for example, use this power to require those in charge of multiple occupation establishments to provide you with information on residents, if this is required for the purposes of maintaining the register. Failure to respond to such a request for information could lead to a £1,000 fine.<sup>24</sup> Where you formally request information you should make clear the maximum fine they may incur if they do not respond to your request.



Guidance on the use of this power to verify applicants who cannot provide a National Insurance Number is contained in [Part 4: 'Maintaining the register throughout the year'](#).

## Temporary absence does not mean a person is not resident

3.14 Being resident for registration purposes does not require actual occupation of the qualifying address on the relevant date.<sup>25</sup>

### Being away on holiday

3.15 Going away on holiday does not affect a person's residence qualification for electoral registration purposes as long as the qualifying address remains the person's permanent place of residence and the person intends to return to that permanent address after their time away.

### Working away from home

3.16 If someone is not present at the address on the relevant date as a result of any office, service or employment, this will not affect the residence qualification, as long as:<sup>26</sup>

- they intend to resume actual residence within a period of six months from when they gave up residence, and the reason for their absence will not prevent them from doing so, or
- the property is a permanent place of residence for the applicant alone or the applicant and others and the only reason the applicant is not currently at the property is as a result of the duty they are undertaking

## Temporary presence does not always mean that someone is resident

### Residents in temporary accommodation

3.17 If a person is in temporary accommodation and has no other home elsewhere they may, depending on the circumstances, be taken to be resident at that address. If, however, the person does have a permanent home elsewhere, they may not be deemed to be resident at the temporary address.<sup>27</sup>

## Guests

3.18 A guest who is staying at a property does not become resident at that property if they have a permanent home elsewhere. In such a case, the guest will be deemed to be resident at their permanent home. However, a guest who does not have a permanent home elsewhere may, depending on the circumstances, be regarded as being resident for electoral purposes and you may decide that they are resident at that address.

## Unlawful occupation of grounds or a property

3.19 Unlawful occupation of grounds or a dwelling does not disqualify a person from registering there if it is determined that this is their permanent residence. Consequently, any issue regarding tenancy, ownership or legal occupation of the property by the applicant must be disregarded in determining whether or not the residence requirement has been met.

## Entitlement to register at more than one address

3.20 There are particular circumstances where electors may be entitled to register at more than one address. Each case will need to be considered on its own merits and you will need to consider the following when determining whether or not someone is eligible to be registered at more than one address:

- a person may have more than one home, but property ownership is not sufficient to establish that someone is resident at an address
- the purpose for which the second home is used will affect whether or not someone may be considered to be resident at an address, i.e. is this where the 'main business of life' is being conducted?
- temporary presence at an address does not make a person resident there
- temporary absence does not deprive a person of their residence

## Students

3.21 Students often live at two different addresses, one during term time and one during the holidays. Students are entitled to register in respect of both addresses if you consider that they have their permanent home at both places.<sup>28</sup>



In Scotland, the local government register will include 16 and 17 year olds as full electors, and 15 year olds and eligible 14 year olds as 'attainers'. You will therefore have a number of young people in education who are entitled to register, potentially at two different addresses: one during term time and one during the holidays. You should work with universities, colleges and schools with student accommodation to target students for registration.





### **Sharing good practice**

For information on and examples of how some EROs are engaging with students and encouraging student registration see our resource, '[Reaching students](#)'.

### **Second homes**

3.22 Depending on the purpose for which a person is resident at their second home, they may be deemed to be resident there. In each case, a person would need to be able to show they are permanently resident at both addresses.

3.23 It is unlikely that owning a second property which is visited only for recreational purposes would meet the residency qualification. Owning and paying council tax on a property alone is not sufficient to satisfy the residence qualification: although this may give an indication of connection to an address, it is not evidence of residence. Each decision must be made on a case-by-case basis.

3.24 When considering registering a person at their second address you should take into account the purpose for which the elector is present at the address, and should consider each case on its own merits.

## **Entitlement to register where no fixed address**

### **Merchant seamen**

3.25 Merchant seamen who are not resident in the UK but who would be but for the nature of their employment are entitled to be treated as resident at either an address at which they would normally be resident but for their occupation, or at a hostel or club which provides accommodation for merchant seamen and at which they would commonly stay in the course of their occupation.<sup>29</sup>

### **Gypsy and traveller communities**

3.26 Some members of gypsy or travelling communities may not have a permanent address, although they may settle for a period of time at sites designated by the local authority. Where members of gypsy or travelling communities are present at those sites for a substantive time, they may be considered to be resident there and register at those sites as ordinary electors.

3.27 You should consider the presence of any gypsy or travelling communities in your area and determine the best approach to take locally.

3.28 The local authority will be responsible for maintaining any sites for gypsies or travellers, and also for ensuring that appropriate education is provided for their children. The local authority officers responsible for this may be able to assist you in assessing the situation in the local area and help to facilitate the registration of any gypsies or travellers who are entitled to be registered.

3.29 Where there is no address at which particular gypsy and traveller communities can be considered resident, they cannot register as ordinary

electors, but they may register at the place where they spend most of their time, or to which they have a local connection, by making a declaration of local connection.<sup>30</sup>



More information on making and processing declarations of local connection can be found under ‘Special category electors’ in [Part 4: ‘Maintaining the register throughout the year’](#).

### **Persons living on narrow boats and other movable residences**

3.30 Any person living on a boat, houseboat or similar residence which has a permanent mooring in Great Britain can be treated as being resident at that address. People living permanently in such residences should be registered as ordinary electors.

3.31 When a person lives on a boat or other similar residence that has no permanent mooring, that person cannot be treated as being resident at any particular address. Any such person will, however, be able to register by making a declaration of local connection. They will be entitled to be registered at a place where they spend the most of their time (whether during the day or night).<sup>31</sup> This may, for example, be a boatyard used for maintenance.



More information on making and processing declarations of local connection can be found under ‘Special category electors’ in [Part 4: ‘Maintaining the register throughout the year’](#).

### **Homeless people**

3.32 A homeless person will not have a permanent home address and therefore will not be able to register as an ordinary elector, but will be able to register by making a declaration of local connection. They may be registered at an address where they spend a substantial part of their time, whether during the day or night.<sup>32</sup> It may, for example, be a bus shelter, a park bench or the doorway to a high street store.



More information on making and processing declarations of local connection can be found under ‘Special category electors’ in [Part 4: ‘Maintaining the register throughout the year’](#).



### **Looked after children and children in secure accommodation**

In Scotland, those under 16 years old who are, or have been, looked after children, or are currently being kept in secure accommodation, are entitled to register by making a declaration of local connection.<sup>33</sup>

Local authorities in Scotland have a duty to promote awareness of how to register as local government electors for children that are “looked after” by that council (who can be up to the age of 18) and to provide assistance to help such young people to register. EROs will need to engage actively with other departments and staff in local authorities and other bodies with responsibilities of

care to promote awareness of these arrangements. “Looked after” children are children (who can be up to the age of 18) that:

- the council is providing living accommodation for because no-one has parental responsibility for the child, the child is lost or abandoned, or the person who had previously been caring for the child cannot provide suitable accommodation or care
- the council is required to supervise under a “supervision requirement” of a children’s panel or a sheriff
- the council has responsibilities for under a legal order, authorisation or warrant, issued in Scotland by a children’s hearing or sheriff, or, in the rest of the UK, by a court.

## Patients in mental health hospitals

3.33 A person who has been admitted as an in-patient in a mental health hospital or another establishment maintained mainly for the reception and treatment of persons with a mental health problem may be registered at the hospital/establishment if the period they are likely to spend there is sufficient for them to be regarded as resident there.<sup>34</sup>

3.34 Patients in mental health hospitals are also entitled to be registered by making a declaration of local connection at:<sup>35</sup>

- the address at which they would be living if they were not a patient, or
- an address where they used to live before they became a patient

3.35 A person in a mental health hospital may still be regarded to be resident at their permanent home if their stay in hospital is not long enough for them to be able to be considered resident there or for them to be able to register through a declaration of local connection.<sup>36</sup>



More information on making and processing declarations of local connection can be found under ‘Special category electors’ in [Part 4: ‘Maintaining the register throughout the year’](#).

3.36 Patients in mental health hospitals who are convicted offenders and are legally incapable of voting are not entitled to be registered.<sup>37</sup>

## Remand prisoners

3.37 A person who has been remanded in custody (but not a convicted prisoner), who is detained in a penal institution or some other place for custodial purposes, may be deemed to be resident there if the period of detention is sufficient to enable them to be regarded as being resident there.<sup>38</sup>

3.38 A remand prisoner may also choose to register by making a declaration of local connection at:<sup>39</sup>

- the address at which they would be living if they were not a prisoner on remand, or
- an address where they used to live before they became a prisoner on remand

3.39 A remand prisoner may still be regarded to be resident at their permanent home if their stay at their place of custody is not long enough for them to be able to be considered resident there or for them to be able to register through a declaration of local connection.<sup>40</sup>

## Convicted Prisoners

3.40 Convicted persons detained in penal institutions are not entitled to be registered because they are legally incapable of voting (see paragraph 3.87). However, it is possible that in some limited circumstances, convicted prisoners who have been released on temporary licence may meet the criteria to register to vote. In these cases, the person's place of residence should be determined in the ordinary way, taking account of the guidance at the paragraphs above from **3.9** onwards.

## Age

3.41 A person aged 18 or over who on the relevant date meets the residency and nationality qualifications and is not subject to any legal incapacity to vote is entitled to be registered.<sup>41</sup> Additionally, 17 year-olds and some 16-year olds are entitled to be included on the register as 'attainers'.<sup>42</sup>

3.42 An attainer is someone who turns 18 by the end of the twelve months following the 1 December after the 'relevant date'.

3.43 The register must include the date on which any attainers will be 18 years old, i.e. the date from which they will be entitled to vote.



In Scotland, the local government register will include 16 and 17 year olds as full electors.<sup>43</sup> Additionally, 15 year olds and some 14 year olds are entitled to be included on the local government register as 'attainers'. For the purposes of the local government register in Scotland, an attainer is someone who turns 16 by the end of the twelve months following the 1 December after the 'relevant date' (see Chapter 3 for more information on the 'relevant date').<sup>44</sup>

The combined register will therefore need to make clear the date on which those included on it that are under 18 years of age will become 18 years old in order to clearly show their eligibility to vote in different elections.

No information on those aged under 16 must be included on **any** version of the register published or otherwise made available, except in very limited circumstances. For further information, see Chapter 11 of [Part 4: Maintaining the register throughout the year](#).

## Power to require evidence of date of birth

3.44 Date of birth checks form part of the verification process, covered in more detail in [Part 4: 'Maintaining the register throughout the year'](#). However, you continue to have the power to require evidence as to a person's date of birth.<sup>45</sup>



If someone does not know their date of birth, there are certain documents you can require them to submit to you under the exceptions process. You also have the power to request additional evidence in order to verify the identity of an applicant. This is covered in more detail in [Part 4: 'Maintaining the register throughout the year'](#).

3.45 If you are not satisfied as to any applicant or elector's age, you have the power to require the applicant or elector to provide documentary evidence confirming their date of birth. You can ask for the following evidence that will help you decide whether or not someone satisfies the age criterion:<sup>46</sup>

- a birth certificate
- a certificate of naturalisation
- a document showing that a person has become a citizen of another Commonwealth country (may, in some cases, not include a date of birth)

## Nationality

### General provisions

3.46 The nationality of an individual determines which, if any, elections in the UK a person is entitled to be registered to vote at.

3.47 If an applicant is unsure regarding any aspect of their nationality, they should be advised to contact the Home Office: [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). You should also point out to them that they need to be sure of their nationality before applying – knowingly providing false information on an application is an offence, punishable on summary conviction by up to six months imprisonment and/or an unlimited fine in England and Wales or a fine not exceeding £5,000 in Scotland.<sup>47</sup>

3.48 Data protection legislation does not affect the requirement for nationality information to be provided, however, under data protection legislation, nationality data is classed as a special category of personal data because it may reveal an individual's racial or ethnic origin.

3.49 Data protection legislation prohibits the processing of special categories of personal data unless an additional lawful basis beyond those for the main purposes of processing data are met. The appropriate lawful basis for processing special categories of personal data for electoral purposes would be that it is necessary for reasons of substantial public interest and with a basis in UK law

3.50 Additionally, the Data Protection Bill takes this further, stating that the special requirements only apply if the data controller has in place a 'Policy Document'. Therefore, as introduced, the Data Protection Bill requires that in order to process nationality data – whether as part of an application to register, or in relation to staff appointments – you must have in place a policy document which, amongst other things, must explain:

- the procedures for complying with the data protection principles
- the policies for retention and erasure

3.51 Therefore, your policy document will need to reflect your local processing procedures and your policies for the retention and erasure of personal data. This policy document must be kept until six months after the processing ceases, be reviewed and updated at appropriate times and be made available to the ICO on request.



Section 9 of our [resource](#) on the EU General Data Protection Regulation and the Data Protection Bill contains further information on special categories of data and the need for a policy document. We will make the Commission's own policy document available in April for your reference.

Section 4 of the resource also highlights the need to ensure that a Privacy Notice is published on your website before carrying out any collection of data after the GDPR comes into force on 25 May 2018. Appendix 2 contains a checklist for use when drafting your privacy notice.

### **UK Parliamentary elections**

3.52 All British, Republic of Ireland and qualifying Commonwealth citizens meet the nationality requirement to register to vote in UK Parliamentary elections.<sup>48</sup> Information on what it means to be a 'qualifying' Commonwealth citizen is provided in paragraphs **3.68** below.

### **European Parliamentary elections**

3.53 Citizens of member states of the EU (who are not also British, Irish or qualifying Commonwealth citizens) meet the nationality requirement for registering to vote in the register of relevant citizens of the EU entitled to vote at European Parliamentary elections (see [below](#) for further information). The

register of relevant citizens of the EU entitled to vote at European Parliamentary elections must, so far as practicable, be combined with the registers of parliamentary and local government electors and any register of peers. The names of those registered in the register of relevant citizens of the EU must be marked to indicate that fact.<sup>49</sup>

3.54 Citizens of Gibraltar who are resident in Gibraltar are entitled to register to vote at European Parliamentary elections in the South West region. This is administered by the European Electoral Registration Officer for Gibraltar.

### Local government elections

3.55 All British, European Union and qualifying Commonwealth citizens meet the nationality requirement to register to vote in local government elections.<sup>50</sup>

### Other elections

3.56 The local government election franchise is also used as the basis for elections to the Scottish Parliament<sup>51</sup>, the National Assembly for Wales<sup>52</sup> and the Greater London Authority<sup>53</sup>, as well as for Police and Crime Commissioner elections in England and Wales.<sup>54</sup>

## Power to require evidence of nationality

3.57 If you are not satisfied as to any applicant or elector's nationality, you have the power to require the applicant or elector to provide documentary evidence confirming their nationality. You can ask for the following evidence:<sup>55</sup>

- a birth certificate
- a certificate of naturalisation
- where a person has made an application to register as an overseas elector, further evidence as to their status as a British citizen
- a document showing that someone has become a Commonwealth citizen
- a statutory declaration that they are a 'qualifying' Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the European Union. Information on what it means to be a 'qualifying' Commonwealth citizen is provided in paragraphs **3.68** below.



You separately have the power to request additional evidence in order to verify the identity of an applicant. This is covered in more detail in [Part 4: 'Maintaining the register throughout the year'](#).

3.58 If any fee is payable in connection with the production of the evidence you require, you must pay the fee and treat it as part of the registration expenses paid by the local authority.<sup>56</sup>

3.59 You also have the general power to require any third party to provide information about any aspect in relation to a person's entitlement to be registered.<sup>57</sup>

3.60 In order to be entitled to register to vote a person must be legally resident in the UK. If you are in any doubt as to whether an applicant or elector is legally resident, you can request checks of a person's immigration status against Home Office records.

3.61 Further guidance on this process and contact details are available by contacting the Home Office: [ICESSEVECWorkflow@homeoffice.gsi.gov.uk](mailto:ICESSEVECWorkflow@homeoffice.gsi.gov.uk). You will be asked to complete a template which will be provided – please complete and return the section below the heading 'Subject 1' to the same email address. The Home Office have requested one template per subject per email, and that 'ER' be added to the subject header for each email to ensure that it goes into the correct folder for a response. The Home Office will respond within five working days unless a file is required, in which case it will respond within ten working days. The fact that you may require additional evidence of an applicant's nationality, and may request checks of a person's immigration status against Government records is included on the registration application form approved by the Minister and made available to you by the Commission.

## British citizens

3.62 British citizens fulfil the nationality qualification for registration in respect of all elections in the UK.<sup>58</sup>

3.63 Marriage to a British citizen does not automatically mean someone becomes a British citizen. Being born in the UK does not automatically confer British citizenship either. If an applicant is unsure whether they are a British citizen, they should contact the [Home Office](#) to make sure that they meet the nationality qualification before applying.

### Citizenship ceremonies

3.64 Citizenship ceremonies are the final stage of attaining British citizenship. However, an invitation to a citizenship ceremony is not in itself proof of citizenship.

## Dual nationality

3.65 Some applicants may have more than one nationality. You should always process an application in accordance with the nationality that provides the higher level of franchise. For example, an application stating that the applicant is a dual German and British citizen should be registered as a British citizen, as this gives them the wider franchise.

3.66 Where an application is made by a resident who is ineligible to register (for example, a US citizen), their application must be rejected and a notice of



rejection must be sent to the applicant. This notice should make it clear that the application failed the nationality qualification and should explain what steps should be taken should they also hold an eligible nationality. If an applicant does also hold a nationality that would entitle them to register, they can be registered in respect of that nationality.

## Commonwealth citizens

### Entitlement to register

3.67 Qualifying Commonwealth citizens are entitled to register as Parliamentary and as local government electors provided that on the relevant date they also fulfil the age and residence requirements for such registration and are not subject to any other legal incapacity.<sup>59</sup>

3.68 Citizens of Commonwealth countries other than the United Kingdom are not, however, eligible to register as overseas electors.<sup>60</sup>

### Meaning of 'qualifying Commonwealth citizen'<sup>61</sup>

3.69 A person who is a Commonwealth citizen is a qualifying Commonwealth citizen for registration purposes if they do not require leave to enter or remain in the UK or they do require leave to enter or remain in the UK but have been granted such leave or are treated as having been granted such leave.

3.70 Any type of leave to enter or remain is acceptable, whether indefinite, time limited or conditional.

### Commonwealth citizens temporarily in the UK and pending removal

3.71 The Home Office have advised that Commonwealth citizens who are temporarily in the UK pending removal, are not in the UK legally and are only physically resident whilst arrangements for their removal are being made. As these citizens do not have leave to enter or remain they are not eligible to register to vote.

### Commonwealth countries

3.72 Qualifying citizens of the following countries meet the nationality criterion to register in respect of all UK elections.<sup>ii</sup> They will continue to meet the nationality criterion even if their country is suspended or expelled from the Commonwealth organisation. A change to Schedule 3 of the British Nationality Act 1981 is required in order to add or remove a country from the list of commonwealth countries to be referenced for electoral registration purposes.

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<sup>ii</sup> As at June 2017.

Antigua and Barbuda	Lesotho	Seychelles
Australia	Malawi	Sierra Leone
The Bahamas	Malaysia	Singapore
Bangladesh	Malta*	Solomon Islands
Barbados	Mauritius	South Africa
Belize	Mozambique	Sri Lanka
Botswana	Namibia	Swaziland
Brunei	Nauru	Tonga
Cameroon	New Zealand	Trinidad and Tobago
Canada	Nigeria	Tuvalu
Dominica	Pakistan	Uganda
Fiji	Papua New Guinea	United Kingdom*
Ghana	Republic of Cyprus*	United Republic of Tanzania
Grenada	Rwanda	Vanuatu
Guyana	St Christopher and Nevis	Zambia
India	St Lucia	Zimbabwe
Jamaica	St Vincent and the Grenadines	
Kenya	Samoa	
Kiribati		

\*Although also EU member states, citizens of the UK, Cyprus and Malta are eligible to be registered to vote in respect of all elections held in the UK.

## British Overseas Territories<sup>iii</sup>

3.73 Citizens from British Overseas Territories are all Commonwealth citizens and are entitled to register as electors in respect of all elections, provided that they also fulfil the age and residence requirements for such registration and are not subject to any other legal incapacity.

Anguilla	Pitcairn, Henderson, Ducie and Oeno Islands
Bermuda	St Helena, Ascension and Tristan da Cunha
British Antarctic Territory	South Georgia and the South Sandwich Islands
British Indian Ocean Territory	Sovereign Base areas of Akrotiri and Dhekelia on Cyprus
Cayman Islands	Turks and Caicos Islands
Falkland Islands	Virgin Islands
Gibraltar	
Montserrat	

3.74 Citizens from British Overseas Territories are not eligible to register as overseas electors.

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<sup>iii</sup> As at June 2017.

## Hong Kong

3.75 Following its transfer to Chinese sovereignty on 1 July 1997, Hong Kong was deleted from the list of British Overseas Territories. As a result, former residents of Hong Kong are not automatically qualifying Commonwealth citizens.

3.76 Only those previous residents of Hong Kong who hold a British Dependent Territories, British Nationals (Overseas) or British Overseas passport meet the nationality criterion for all elections in the UK. Any previous resident of Hong Kong who only has a Chinese Special Administrative Region passport is Chinese and may not register.

3.77 If an elector declares their nationality to be Hong Kong Chinese then you should exercise your powers to require evidence of the elector's actual nationality and confirm the type of passport that they hold.

## British Crown Dependencies

3.78 The British Crown Dependencies consist of the Isle of Man and the Channel Islands including Jersey, Guernsey, Sark, Alderney, Herm and the other inhabited Channel Islands.

3.79 Citizens of the British Crown Dependencies who are resident in the UK are considered to be Commonwealth citizens for the purposes of electoral registration. However, unlike Commonwealth citizens, they may register as overseas electors.

## European Union citizens

### Member states of the European Union<sup>iv</sup>

Austria	Germany	Portugal
Belgium	Greece	Republic of Ireland*
Bulgaria	Hungary	Romania
Croatia	Italy	Slovakia
Cyprus*	Latvia	Slovenia
Czech Republic	Lithuania	Spain
Denmark	Luxembourg	Sweden
Estonia	Malta*	United Kingdom*
Finland	The Netherlands	
France	Poland	

\*Citizens of the UK, the Republic of Ireland, Cyprus and Malta are eligible to be registered to vote in respect of all elections in the UK.

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<sup>iv</sup> As at June 2017.

## Cyprus

3.80 For registration purposes, the whole of Cyprus is considered to be a Commonwealth country and you should not be concerned with the political situation of the island. If there is any doubt as to whether a person from Cyprus should be registered, they should be asked to provide confirmation that they are Cypriot, such as a Uniform Format Form<sup>v</sup> with a UK visa, UK residence permit showing Cypriot nationality, or other appropriate evidence. Registration as a Cypriot national cannot be based solely on a Turkish passport.

## EU citizens registering to vote at European Parliamentary elections

3.81 A citizen of an EU member state (excluding the UK, the Republic of Ireland, Cyprus and Malta) resident in the UK can choose whether they wish to vote at a European Parliamentary election in the UK or in their home country. EU citizens may only vote once and only in one member state at a European Parliamentary election.

3.82 Citizens of EU member states (excluding the UK, the Republic of Ireland, Cyprus and Malta) wishing to register in the register of relevant citizens of the EU entitled to vote at European Parliamentary elections in the UK must submit an application and declaration, which must state that they will vote only in the UK at any European Parliamentary election during the 12-month period of the declaration.<sup>62</sup>

3.83 Citizens of the UK, the Republic of Ireland, Malta or Cyprus who are entitled to vote as an elector at a parliamentary election in the electoral region will be entitled to vote at the European Parliament election and are not required to make a separate application and declaration in order to be registered in respect of European Parliamentary elections.

3.84 The application/declaration can be submitted at any time, but will only be of relevance ahead of a scheduled European Parliamentary election. Before any scheduled European election you should therefore issue these applications/declarations to each local government elector who has indicated on their registration application that they are a citizen of an EU member state and who will be 18 years of age or over on, or before, polling day.

3.85 Electors who return a completed application/declaration will have their register prefix changed from 'G' to 'K'. This change in marking signifies that the person has been added to the register of European Parliamentary electors.

3.86 A person registered in the register of European Parliamentary electors is entitled to remain registered until whichever of the following occurs first:<sup>63</sup>

- the end of the period of 12 months from the date on which the entry in the register takes effect,

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<sup>v</sup> See <https://www.gov.uk/government/publications/what-are-acceptable-travel-documents-for-entry-clearance-ecb08/ecb08-what-are-acceptable-travel-documents-for-entry-clearance>

- the elector's declaration is cancelled by the elector, which can be done at any time,
- the elector applies for their name to be removed,
- the elector has been added to another register of European Parliamentary electors,
- the Secretary of State sends you information provided by the elector's home country showing that the elector has lost their right to vote there

## Legal incapacity

3.87 If a person is subject to a legal incapacity to vote, their name cannot be included on the register of electors.<sup>64</sup> A person is disqualified from voting by law if they are a person in one of the following categories:

- **Peers who are members of the House of Lords:**<sup>65</sup> Peers who are members of the House of Lords are disqualified from voting at UK Parliamentary elections and therefore are not entitled to be registered in the UK Parliamentary register of electors. They do, however, qualify to be registered in the local government register of electors as they are not disqualified from voting in local government elections simply by virtue of the fact that they are Members of the House of Lords. They are also entitled to be registered on the register of European Parliamentary electors.

A full list of members of the House of Lords can be found on the House of Lords website at <http://www.parliament.uk/mps-lords-and-offices/lords/>. Alternatively, the Information Office at the House of Lords will be able to assist with enquiries, and can be contacted by telephoning 0800 223 0855 or 020 7219 3107 or by emailing [hinfo@parliament.uk](mailto:hinfo@parliament.uk).

- **Detained convicted prisoners:**<sup>66</sup> A person who has been found guilty of an offence (excluding contempt of court) and is detained in prison (except for detention in consequence of non-compliance with a non-custodial sentence) is not legally capable of voting and is therefore not eligible to be included in the register of electors. This disqualification applies whether the person is in prison or unlawfully at large, and regardless of whether or not the person was properly included in the register prior to conviction.

However, it is possible that in some limited circumstances, convicted prisoners who are released on temporary licence may meet the criteria to register to vote, given that such prisoners may not be detained within the meaning of section 3 RPA 1983.

- **Convicted offenders detained in a mental health hospital:**<sup>67</sup> A convicted offender who is detained in a mental health hospital (or is unlawfully at large) is not legally capable of voting and therefore cannot be included in the register of electors.

- **Persons found guilty of certain corrupt or illegal practices:** A person found guilty of the corrupt practice of personation, or found guilty of a corrupt practice relating to applications for postal and proxy votes is legally incapable of being registered to vote for five years from the date of the conviction or the report of an election court.<sup>68</sup>

A person found guilty of the following illegal practices is legally incapable of being registered to vote for three years from the date of the conviction or election court report:<sup>69</sup>

- knowingly voting or applying to vote when subject to a legal incapacity to vote
- knowingly appointing a proxy who is subject to a legal incapacity to vote
- knowingly voting as proxy on behalf of someone who is subject to a legal incapacity to vote
- multiple voting (both as an elector or a proxy)

There may, however, be some occasions where a court does not impose any further incapacity to register to vote or mitigates or ends any existing incapacity. You will therefore need to make a determination on a case-by-case basis, having regard where possible to any judgments or court reports. A successful appeal against a conviction would also remove the legal incapacity.

## Mental capacity

3.88 A lack of mental capacity is not a legal incapacity to vote:<sup>70</sup> persons who meet the other registration qualifications are eligible for registration regardless of their mental capacity. For more information please see our separate assisted applications guidance for EROs in [England and Wales](#) and in [Scotland](#) on managing the registration process in the case of individuals who may need help registering individually.

### Voting rights

3.89 However, while electors with any level or no level of mental capacity may be registered to vote, the decision as to whether and how to vote at an election must be made by the elector themselves and not by any other person on their behalf. Those who may be the carer of a person or who otherwise make decisions on behalf of a person may not make decisions on voting.



We have produced guidance for care staff in [England and Wales](#) and in [Scotland](#) on engaging with those in their care and the levels of assistance that they may provide in relation to a person's application for registration and absent voting.

# 4 How to register

4.1 Applications to register to vote can be made online or on a paper form (and potentially also via other routes as set out below).

## Registration channels

4.2 Residents are able to apply to register in a number of ways:<sup>71</sup>

- on an online form hosted by the IER Digital Service - [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote)
- by telephone to your staff (if you offer the service)
- in person at your office (if you offer the service)
- by providing the necessary information in writing (e.g. on a paper form)

4.3 While there are certain forms that you will need to send to potential electors within a specific timeframe, interacting with a potential elector does not always mean that you will need to send them a form, at least in the first instance, or that they need to complete one and return it to you. For example, if you have an email address for a potential elector you could use it to encourage them to submit an online application. You can also issue an invitation to register by electronic means, including by email.

4.4 Although the IER Digital Service will not allow a person to submit an online form unless they provide all the information necessary to process an application or have given a reason as to why this information cannot be provided, you may still receive applications (for example, on a paper form) which do not contain all the information required for processing. In such cases, you will be able to obtain the missing information through various channels, irrespective of how the original application was made.

4.5 While there is a specific process to follow where someone cannot provide their date of birth, National Insurance Number or nationality, you can collect missing information by telephone, in person or via email. For example, it may not be clear from a paper application whether a missing National Insurance Number was an oversight by the potential elector or was not included because they cannot provide it. Where you have the telephone number or email address for that elector, you can obtain the missing information through those channels.



In Scotland, there is no requirement for an applicant who is under the age of 16 to provide their National Insurance Number or a reason why they are not able to do so.<sup>72</sup> The requirements for an application are set out in full in paragraph 4.2 of [Part 4: 'Maintaining the register throughout the year'](#).

4.6 Promoting the different ways of registering, both in direct contact with electors and in your wider public engagement activity to promote registration and participation, should also help to make the application process as accessible as possible for electors. You should make clear what the various application channels are so that electors can make a choice according to the channel that best meets their needs and preferences.

4.7 Considerations set out in the rest of this chapter that apply to the channels for submitting an application for registration also apply to a household enquiry form (HEF), except that it is at your discretion to provide an online mechanism for responding to a HEF. By law a person who has received a HEF must provide the information that it requires to the ERO<sup>73</sup> but there is no requirement for the form itself to be returned. This includes both where there are changes to the information pre-printed on the HEF or new information being provided. The channels that you provide for people to respond to a HEF will be determined by you based on local circumstances and could include telephone or online. Whatever channels you provide you must ensure that whatever method is used, it enables the person responding to provide all of the required information and to make a declaration of truth.

## Telephone and in-person applications

4.8 The legislation enables applications to be made and accepted by phone and in person. For the benefit and convenience of all electors, you should offer these services wherever possible. This will also help you meet your duties under the Equalities Act, as people who may have difficulties completing the paper or online form will have the opportunity to apply without the need to provide the information in writing.

4.9 Even if you are unable to provide telephone and/or in-person registration for all applicants, you may allow these at your discretion in certain circumstances, and you should do so to assist applicants with disabilities in order to meet your equalities obligations.

4.10 You should keep under review your office procedures to ensure you are able to deal with the number and frequency of individuals that you expect will make use of the face-to-face or telephone channels. In estimating this, you should take account of your experiences and the volumes you've received to date.



4.11 If you decide to allow telephone applications, you may decide to use a central contact centre. If applications can be made via a contact centre, there may be opportunities for staff to promote registration to residents who are contacting the authority for another purpose and take an application to register by phone, which could help to maximise the accuracy and completeness of the register and avoid you having to invite them to register.

4.12 Because of the requirement for an application to be 'in writing', where a person applies by telephone or in-person, you must transfer the information into an application in writing. In practice, this can be achieved by inputting the information into a paper application form or the online form.

4.13 It is important to ensure that clear records are taken in cases where you authorise applications to be made, or information to be provided, by telephone and/or in person.

4.14 If you do decide to accept applications in this way, before beginning to go through the required information, you should inform the applicant of the following:

- that the information they provide will be processed in accordance with data protection legislation, reflecting the wording used in the prescribed voter registration form available on our [website](#).
- what information will appear on the register
- that it is an offence to knowingly provide false information, and that the maximum penalty is up to six months in prison and/or an unlimited fine in England and Wales or a fine not exceeding £5,000 in Scotland

4.15 Before asking whether the applicant wishes their name and address to be included in the open register you must provide the applicant with an explanation of what the open register is, using the prescribed short form of words,<sup>vi</sup> and transfer the information provided by the applicant into an application in writing.



In Scotland, where the applicant is 14 or 15 years old, you do not need to provide an explanation of the open register as the details of such individuals must not be included in **any** version of the published register, including the edited register.

4.16 When taking information on the applicant's nationality, you should consider highlighting to applicants that a person must be legally resident in the UK and that checks may be carried out in relation to an applicant's immigration status against Home Office records.

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<sup>vi</sup> The form of words is contained on the registration application form and the pre-printed household enquiry form.

4.17 Further guidance on this process and contact details are available by contacting the Home Office: [ICESSVECWorkflow@homeoffice.gsi.gov.uk](mailto:ICESSVECWorkflow@homeoffice.gsi.gov.uk). You will be asked to complete a template which will be provided – please complete and return the section below the heading ‘Subject 1’ to the same email address. The Home Office have requested one template per subject per email, and that ‘ER’ be added to the subject header for each email to ensure that it goes into the correct folder for a response. The Home Office will respond within five working days unless a file is required, in which case it will respond within ten working days. The fact that you may request checks of a person’s immigration status against Government records is included on the registration application form approved by the Minister and made available to you by the Commission.

4.18 You may also ask for the applicant’s e-mail address and any telephone numbers to use for future contact, as well as an indication of whether the applicant wishes to be able to vote by post or by proxy. However, you must make it clear that the applicant is not required to provide this information.

4.19 Under data protection legislation, an elector can object to the processing of their email or telephone contact details. To demonstrate that you are processing personal data lawfully, fairly and in a transparent manner, you should maintain records to detail any request made under the right to object to processing. Your Electoral Management Software provider may have the facility to record consent against elector records and you should liaise with them to understand how to manage the process in practice. You should review your existing email templates and ensure that where you communicate with electors by email, you include an ‘unsubscribe’ option on all emails to allow the data subject to object to the use of their contact information for this purpose. The email invitation to register (ITR) that you must use has been updated to include an unsubscribe option.

4.20 All applicants must make a declaration of truth,<sup>74</sup> but you should ensure that the applicant has an opportunity to review the information they have provided and satisfy themselves that it is true and accurate. Once you have taken all the required information you could, for example, read it back to the applicant and ask them to confirm that you have recorded it accurately and that the information is true.

4.21 If an applicant does not have all of the information to hand they can call back with it at a later time. While you will only need to collect the missing information, you should go through the same process of giving the elector general information about how their data will be used and alert them to the offence of making a false statement. A declaration of truth must also be made to cover the missing information and you should give the applicant an opportunity to review the information supplied and correct any errors.

## Online applications

4.22 If you have an email address for an elector you could use it to encourage them to submit an online application. You can also issue an invitation to register by electronic means, including by email.

4.23 The online registration form is hosted on the central government website [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote). There should be a link to this form from your website and in your communications and public awareness activity to encourage applicants to use the online form. Information from registration forms that are completed online will be sent to your EMS system automatically from the IER Digital Service.

4.24 Promoting online or other channels may make it simpler and potentially cheaper for you to process applications, avoiding the need to deal with returned paper forms. People are increasingly used to conducting their personal and financial affairs online and many will appreciate the ability to complete their application and submit it in that way. Many applicants will find benefits from being able to complete their application online:

- the online form could provide a wider range of access options than a paper form that allow people with particular communication needs to complete an application more easily, such as being compatible with electronic screen readers used by those with visual impairments
- they can be assured that their application is complete and does not contain any obvious inadvertent errors as the online process will not allow an incomplete application to be submitted or, for example, information (such as a date) to be given in the wrong format, and they can be assured that it is received at the moment they submit it (which is particularly relevant close to the registration deadline ahead of an election)

4.25 When applicants choose to use the online form rather than a paper form there are also benefits for you:

- reduced need for manual data input
- fewer errors due to the 'validation' of information entered on the online form and not needing to decipher handwriting
- the application will be complete when you receive it, reducing the need for you to follow-up to ask for any missing information
- verification will be undertaken immediately rather than only once you receive and enter the data into your EMS system
- not having to receive, open, scan and store a paper form



In Scotland, 14 and 15 year olds can apply to register through the IER Digital Service (excluding those applying as special category electors) but these applications will not be sent for verification against DWP records. Instead, their application details will be sent to the ERO to verify by checking against education records or other local data. For further information on verifying the identity of applicants, see Chapter 5, [Part 4: 'Maintaining the register throughout the year'](#).

### Updating web pages

4.26 Online registration should be widely-promoted in your public engagement activity. Your own website also remains a key tool for communicating messages about registration and encouraging registration applications.

4.27 You should continue to review and update any general advice or information contained on your website relating to electoral registration so that people have accurate and up-to-date information about how to register.

## Paper forms

4.28 There is no requirement for an application to register that is made in writing (on paper) to be made on a particular form. The application must, however, contain all the information required for a valid application (see Chapter 4, [Part 4: 'Maintaining the register throughout the year'](#)). Forms can be sent to you by post, delivered by hand or sent electronically, such as by fax or as a scanned copy sent by e-mail.

4.29 Where you are making forms available that are not pre-populated you may supply them in hard copy or electronically, so that they can be printed out, completed, and sent to you.

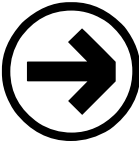
4.30 The paper application form that you must include alongside an invitation to register must be the form as approved by the Minister for the Cabinet Office and made available by the Commission.<sup>75</sup>

4.31 If you receive a written application that is not on an application form you should check that it contains all the required information listed at Chapter 4 in [Part 4: 'Maintaining the register throughout the year'](#). If it is incomplete, you should follow the process outlined in Chapter 4 of Part 4 under 'Incomplete applications'.

4.32 Where you receive a written application not made on the form approved by the Minister for the Cabinet Office and which does not include the explanation of the full and open registers using the prescribed short form of words, you should write to the applicant to provide them with the prescribed short form of words. You should also set out their existing open register preference as detailed in their application and include an explanation of how they can change their preference if they wish to do so.



In Scotland, where you receive a written application from a person under 16 years old that is not made on the form approved by the Minister for the Cabinet Office and which does not include the explanation of the full and open registers using the prescribed short form of words, you **do not** need to provide them with the prescribed short form of words. This is because a person under 16 years old is automatically opted out of the edited register.



Further guidance on the content of applications; how to handle applications by phone and in-person; processing applications; and verifying the applicant's identity is contained in [Part 4: 'Maintaining the register throughout the year'](#).

## Change of name

4.33 If an elector applies to change their name the request must be in writing and include:<sup>76</sup>

- the applicant's full name
- the full name under which they are currently registered
- the date of the change of name
- the registration address
- a declaration by the applicant that the information provided in the application is true
- the date of the application
- supporting evidence of the change



[Part 4: 'Maintaining the register throughout the year'](#), contains details of how to make amendments to existing entries on the register, and a link to the Commission's [change of name form](#).

# 5 Maintaining the property database

5.1 You should maintain a comprehensive property database in order to effectively undertake your registration duties and take steps to maintain it throughout the year. You could, for example, use canvass staff to seek out properties not on the current database, and correct any errors identified. Where you use canvass staff for this purpose, you should ensure that any visiting staff receive clear instructions about recording and reporting property-related issues that they identify, for example if a building has been demolished, flats reverted back to a house or a new property built. Where poll cards are hand-delivered by electoral staff, this exercise can also be used to conduct a 'mid-year' check of the database.

5.2 You should also inspect other local authority records to assist with identifying new residential properties and those that have undergone a change of use, as well as those that are empty, non-existent or are yet to be built.

5.3 It is essential that all properties are placed in the correct polling district in order to avoid electors being included in the wrong electoral area. Particular care will need to be taken in this regard in respect of new properties and where there have been any boundary changes. Inspection of other local authority records such as mapping systems can be used to help to ensure the correct placement of all properties within the property database. You should be satisfied that the local authority record is the one not containing any errors before you amend the property database.

5.4 Liaising with the following departments may also be of assistance:

- **Council tax:** The Valuation Office will supply the council tax office with details of changes to rateable values for properties, for example when properties are newly converted, built or demolished. You should request a copy of this information.

In Scotland, where you are also operating within the Assessor's office, this process should be more efficient. However, you should ensure there are good relationships and processes between the people and systems used for the two different processes.

- **Register of households in multiple occupation (HMOs):** HMOs may cause particular issues when ensuring the residents are correctly registered. Post addressed to 'The Occupier' may not be completed by any of the residents simply because the form is addressed to 'The Occupier' of the building and not to any room or flat in particular.

The Housing Act 2004 provides for compulsory licensing of certain HMOs in England and Wales, and the Housing (Scotland) Act 2006 makes similar provisions regarding HMOs in Scotland.

In England and Wales, as part of the licensing scheme, landlords of certain HMOs are required to provide the licensing council with information including:

- the name and address of the landlord and the managing agent (if there is one)
- the number of separate letting units
- the number of households in the HMO
- the number of people occupying the HMO

In addition, a local housing authority will maintain a public register of the licences it has granted, which must contain, amongst other things, the number of rooms in the HMO providing:

- sleeping, and
- living accommodation (and, in the case of an HMO comprising flats, the number of flats)

Similarly, in Scotland, landlords must supply the local authority with specific information regarding HMOs and other private rentals, and in turn local authorities are required to maintain public registers containing information regarding licences for living accommodation in their area.

You should arrange to inspect these records when reviewing your property database in order to ensure that all residents within HMOs receive separate registration activity.

- **Planning and building control:** You may find planning consent and building control information of value in maintaining your property database. The development control section should be able to supply regular lists of consents. Some of the information on the full list of consents, such as non-residential or listed building consents, may be irrelevant, and so care should be taken not to add any information that is irrelevant to the property database.

You should hold outline planning consents on record for information purposes until such time as full consent is granted. It is possible that a developer might not start a development for many years and details of a consent may be changed prior to the development taking place.

Inspection of building control records and liaising with house builders can also give an indication of the state of progress of new developments and whether they are ready for residential occupation.

Instead of liaising with planning and building control directly, you may be able to gain the necessary information from the Valuation Office, or the local Assessor in Scotland.

- **Local land and property gazetteers (LLPGs) and corporate address gazetteers (CAGs):** LLPGs in England and Wales and CAGs in Scotland are of particular value. They are often maintained by a gazetteer custodian or a person with an equivalent title. It is imperative that you work closely with the gazetteer custodian to ensure quick and accurate updates to your property database. Where possible, you should consider holding the unique property reference number (UPRN) information taken from these sources on your own databases, which could then be used along with geographical information systems, as set out below. While a comprehensive and up-to-date gazetteer should be able to provide information on all units of accommodation, including rooms and flats within buildings, you may still discover changes to properties, which you may feed back to the LLPG or CAG as appropriate.

You should liaise with your LLPG or CAG team, as appropriate, to ensure that UPRNs are attached to each property in your area, as this may facilitate matching with other official records.

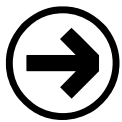
- **Geographical information systems (GIS):** GIS can be a very useful tool in locating properties and in maintaining boundaries of canvass areas and polling districts, in addition to other electoral boundaries. Maps should be provided to staff undertaking house-to-house enquires and personal visits to help them locate properties and to track progress of any new developments. Additionally, GIS used alongside properly referenced property data can be particularly useful in analysing variations in returns of information, and so can inform your planning for how to fulfil your duties to maintain the register.
- **Street naming:** Street naming and numbering orders will give information about properties, new developments and any changes to road names and numbering schemes within a street. If such information is not already supplied by the department responsible for street naming and numbering, you should ask for it as it will be of assistance in planning your registration work.
- **Social services:** Social services will be able to provide current lists of residential and care homes.
- **Land Registry/Registers of Scotland:** These sources can be used to find information on property ownership and sales of property, which can provide a useful source of information on changes, particularly as the name of the buyer is given which allows you to send personalised correspondence.



5.5 Many commercial and industrial premises have residential dwellings attached to them that might not be obvious. Shops are one such example where flats might be situated above the retail premises, and their use as residential units may vary from year to year; making contact with shop owners and employees may help to identify residential dwellings. In Scotland you can also use the Valuation Roll for information on part-residential properties. In England and Wales, they are referred to as composite properties on the Valuation List.

5.6 External sources of information may also prove valuable. Royal Mail, for example, can provide information on postcodes. Postcode updates are published on an annual basis. You may also obtain postcodes for particular addresses, or addresses for postcodes, at [www.royalmail.com](http://www.royalmail.com).

5.7 Where there are any new developments in your area with new postcodes, you should let the IER Digital Service know by emailing the IER Support Centre: [ierservice@digital.cabinet-office.gov.uk](mailto:ierservice@digital.cabinet-office.gov.uk). The IER Support Centre will also add postcodes that members of the public tell them are missing from the system so that applicants can then find their postcode and manually input their address. However, new postcodes need to be verified by you first. You should verify any new postcodes as soon as possible when asked by the IER Support Centre.



Guidance on inspecting council records is contained in Chapter 2 of [Part 4: 'Maintaining the register throughout the year'](#) and in Section 2 of the Ministerial Guidance, also in Part 4.

Section 11 of our [resource](#) on the EU General Data Protection Regulation and the Data Protection Bill highlights the importance of demonstrating that all information obtained through the inspection of council records complies with the principles of processing personal data.



#### **Sharing good practice**

- For information on and examples of how some EROs are utilising existing data sources to help ensure that registers are as accurate and complete as possible, see our resource '[Effective use of available data](#)'.

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- <sup>1</sup> Section 9 Representation of the People Act (RPA) 1983
  - <sup>2</sup> Regulation 5(2) European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001
  - <sup>3</sup> Section 3(7) Representation of the People Act (RPA) 1985
  - <sup>4</sup> Regulation 93 Representation of the People (England and Wales) Regulations 2001 (2001 Regulations)
  - <sup>5</sup> Section 13 Scottish Elections (Reduction of Voting Age) Act 2015
  - <sup>6</sup> Sections 52 and 54 RPA 1983
  - <sup>7</sup> Section 63 RPA 1983
  - <sup>8</sup> Regulation 32ZA(4A) and (4B) 2001 Regulations, Representation of the People (Scotland) Regulations 2001 (RPR (Scotland) 2001)
  - <sup>9</sup> Regulation 32ZB 2001 Regulations, RPR (Scotland) 2001
  - <sup>10</sup> Regulation 32ZD(3A) RPR (Scotland) 2001
  - <sup>11</sup> Section 17(1) Scottish Elections (Reduction of Voting Age) Act 2015
  - <sup>12</sup> Section 17(2) Scottish Elections (Reduction of Voting Age) Act 2015
  - <sup>13</sup> Schedule 4 Representation of the People Act (RPA) 2000 and Regulation 45 2001 Regulations, RPR (Scotland) 2001
  - <sup>14</sup> Section 52(2) RPA 1983
  - <sup>15</sup> Section 54(3) RPA 1983
  - <sup>16</sup> Section 54(4) RPA 1983
  - <sup>17</sup> Section 10ZC(1) RPA 1983
  - <sup>18</sup> Regulations 26(8) and (9) 2001 Regulations, RPR (Scotland) 2001
  - <sup>19</sup> Section 4(6) RPA 1983
  - <sup>20</sup> Section 9(2) RPA 1983
  - <sup>21</sup> Sections 4(1)(a) and 4(3)(a) RPA 1983
  - <sup>22</sup> Regulations 26B and 23(1A) 2001 Regulations, RPR (Scotland) 2001
  - <sup>23</sup> Regulation 23(1) 2001 Regulations, RPR (Scotland) 2001
  - <sup>24</sup> Regulation 23(3) 2001 Regulations, RPR (Scotland) 2001
  - <sup>25</sup> Section 5(2) RPA 1983
  - <sup>26</sup> Section 5(3) RPA 1983
  - <sup>27</sup> Section 5(2) RPA 1983
  - <sup>28</sup> Section 5(5) RPA 1983
  - <sup>29</sup> Section 6 RPA 1983
  - <sup>30</sup> Section 7B RPA 1983
  - <sup>31</sup> Section 7B RPA 1983
  - <sup>32</sup> Section 7B RPA 1983
  - <sup>33</sup> Section 7B(2A) RPA 1983
  - <sup>34</sup> Section 7(2) RPA 1983
  - <sup>35</sup> Section 7(5)(b) RPA 1983
  - <sup>36</sup> Section 7(5)(a) RPA 1983
  - <sup>37</sup> Section 3A RPA 1983
  - <sup>38</sup> Section 7A(2) RPA 1983
  - <sup>39</sup> Section 7A(5)(b) RPA 1983
  - <sup>40</sup> Section 7A(5)(a) RPA 1983
  - <sup>41</sup> Sections 4(1)(d), 3(d), 1(1)(d), 2(1)(d) RPA 1983

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- <sup>42</sup> Section 4(5) RPA 1983  
<sup>43</sup> Section 2(1A) RPA 1983  
<sup>44</sup> Section 4(5) RPA 1983  
<sup>45</sup> Regulation 24 2001 Regulations, RPR (Scotland) 2001  
<sup>46</sup> Regulations 24(2)(a), (b), and (d)(i) 2001 Regulations, RPR (Scotland) 2001  
<sup>47</sup> Section 13D RPA 1983  
<sup>48</sup> Section 1(1)(c) RPA 1983  
<sup>49</sup> Regulation 42(3) and (4) 2001 Regulations, RPR (Scotland) 2001  
<sup>50</sup> Section 2(1)(c) RPA 1983  
<sup>51</sup> Section 11 Scotland Act 1998  
<sup>52</sup> Section 12 Government of Wales Act 2006  
<sup>53</sup> Section 36(2A) RPA 1983  
<sup>54</sup> Section 51(6) Police Reform and Social Responsibility Act 2011  
<sup>55</sup> Regulation 24 2001 Regulations, RPR (Scotland) 2001  
<sup>56</sup> Regulation 24(5) 2001 Regulations, RPR (Scotland) 2001  
<sup>57</sup> Regulation 23 2001 Regulations, RPR (Scotland) 2001  
<sup>58</sup> Sections 4(1)(c ) and (3)(c ) RPA 1983  
<sup>59</sup> Sections 4(1)(c ) and (3)(c ) RPA 1983  
<sup>60</sup> Sections 1(1) and 2 RPA 1985  
<sup>61</sup> Section 4(6) RPA 1983  
<sup>62</sup> Regulation 6 European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001  
<sup>63</sup> Regulation 10 European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001  
<sup>64</sup> Section 4 RPA 1983  
<sup>65</sup> Section 3(2) House of Lords Act 1999  
<sup>66</sup> Section 3 RPA 1983  
<sup>67</sup> Section 3A RPA 1983  
<sup>68</sup> Sections 60, 62, 173(1), (2) and (3) RPA 1983  
<sup>69</sup> Sections 61, 173(1), (2) and (3) RPA 1983  
<sup>70</sup> Section 5(6) RPA 1983  
<sup>71</sup> Regulation 26(8) and (9) 2001 Regulations, RPR (Scotland) 2001  
<sup>72</sup> Regulation 26(9)(a) RPR (Scotland) 2001  
<sup>73</sup> Regulation 23(3) 2001 Regulations, RPR (Scotland) 2001  
<sup>74</sup> Regulation 26(1)(j) 2001 Regulations, RPR (Scotland) 2001  
<sup>75</sup> Regulation 32ZC(3)(b) 2001 Regulations, RPR (Scotland) 2001  
<sup>76</sup> Regulations 26A(1) and (4) 2001 Regulations, RPR (Scotland) 2001