

## 6 Anonymous registration

### Introduction

6.1 Anonymous registration is available to people meeting certain statutory requirements where, if their name or address were listed on the electoral register, their safety would be at risk. Any other person in the same household as a person at risk is also qualified to register as an anonymous elector.

### Requirements for anonymous registration

6.2 An application for anonymous registration consists of a normal application for registration accompanied by an application for anonymous registration. It would be practical to combine the two as is usual practice with other declaration applications. All applicants must meet the normal requirements for registration (age, nationality, residence and not disqualified).

6.3 Applications must be signed and dated by the applicant and must contain:<sup>73</sup>

- the applicant's full name
- their address
- the reason for their application
- evidence to support their application (a court document or an attestation as described below)
- evidence that the applicant is in the same household as a person who meets the safety test (if they are not the person at risk themselves)
- a declaration that:
  - the evidence to support their application is genuine
  - any evidence given when they are in the same household as someone at risk is also genuine
  - the other information given is true, and
  - they are a citizen of the European Union or a Commonwealth country as stated in the application

6.4 All applicants must satisfy the Electoral Registration Officer that their safety or that of any other person in the same household would be at risk if their details were made public. To prove this there is a test that must be passed to the satisfaction of the Electoral Registration Officer called the 'safety test'. The safety test is that 'the safety of the applicant for an anonymous entry or that of any person of the same household would be at risk if the register contains the name of the applicant or his qualifying address'.<sup>74</sup>

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<sup>73</sup> Regulation 31G, RPR 2001.

<sup>74</sup> Section 9B(10), RPA 1983.

6.5 This is achieved by the applicant giving a reason for their application and documentary evidence or an attestation in support of this reason.<sup>75</sup>

6.6 The Electoral Registration Officer should not involve themselves in the personal circumstances of applicants and decisions on the safety test should rely on the presence and content of the accompanying documents. The Electoral Registration Officer should be satisfied that those documents are genuine.

6.7 Someone living in the same household as a person who qualifies for anonymous registration also qualifies for anonymous registration. Their application must contain the evidence required to meet the safety test of the person who qualifies as well as evidence that they reside in the same household.<sup>76</sup> Evidence could be a utility bill, bank statement, photocard driving licence, etc. It is suggested that the applicant should be advised that others in their household can apply, although the other residents must not be contacted directly in order to protect the applicant.

6.8 Anonymously registered electors are entitled to submit a correspondence address which must be used for all future registration correspondence if given.<sup>77</sup> It should also be used for election communications such as poll cards. The use of this correspondence address does not apply to the address to which postal ballot papers will be sent and therefore the postal vote application will require any alternative address to be stated in the relevant section.

## Processing of applications

6.9 These applications do not have the same type of public scrutiny as other electoral registration applications as people may not inspect the name and address supplied by an applicant for anonymous registration. The Electoral Registration Officer should therefore be particularly proactive in being satisfied that all the requirements for registration are met.

6.10 In determining an application, an Electoral Registration Officer has the power to ask for more information on any requirement if they are not satisfied that the applicant qualifies for registration.<sup>78</sup> Applications need not be determined until the evidence or information is received. At all times, Electoral Registration Officers should ensure that any procedure put in place is not overly arduous for these vulnerable people, while ensuring the accuracy and integrity of the register.

6.11 The application deadlines are different from those for ordinary registration applications as there is no requirement for a five-day objections period. Applications may, therefore, be received after the deadline for ordinary registration for the same notice of alteration or revised register. It is important

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<sup>75</sup> Regulations 31G, 31I and 31H, RPR 2001.

<sup>76</sup> Regulation 31G(4), RPR 2001.

<sup>77</sup> Regulation 31G(6), RPR 2001.

<sup>78</sup> Regulation 24, RPR 2001.

to note that applications should not be determined until the Electoral Registration Officer has gathered the information required and has undertaken the process of determination.



Applications should be date-stamped on the day they are determined as well as on the date they are received. The deadlines by which the determination must be made to be included in any notice of alteration or revised register are discussed in Part D, 'Monthly alterations to the register'.

6.12 The Electoral Registration Officer must be satisfied that the elector meets the attestation or documentary evidence requirement so that the safety test is met in addition to the normal registration requirements. Therefore, the Electoral Registration Officer should not publish a deadline for completion of any anonymous application as applications received on the determination deadline may be incomplete or any check as to the evidence given or other registration particulars may mean that such applications cannot be added to the register at that time. Applications should be given an initial assessment as soon as practicable so that the formal determination can be made in time for the next publication deadline.

6.13 Anonymous registration application details such as name and address are not added to the lists of applications.<sup>79</sup> Anonymous applications are not available for public inspection at any time.<sup>80</sup>

6.14 Many potential applicants are not currently registered or may not want to register if there is any possibility that their privacy could be compromised. They may not use the new system if they feel that their name would be published should they make a mistake on the anonymous application form. The law therefore is clear that they must not be added to the register at all if the anonymous part of the application fails.<sup>81</sup>

6.15 The Electoral Registration Officer would be acting contrary to legislation and thus in breach of official duty if a person was given an entry in the main section of the register with their name and address if they had applied using an anonymous application which did not pass the safety test (and they did not then go on to apply as an ordinary elector), even if doing otherwise meant that that person had no entry on the register at all. Consequently, an Electoral Registration Officer is not in breach of official duty in not registering the person following a failure of an anonymous application; however, the Electoral Registration Officer should make a reasonable effort to obtain a new application from that person.

6.16 If the anonymous application is rejected, the person is allowed to make a new application for ordinary or anonymous registration if they wish.

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<sup>79</sup> Regulation 29(2B), RPR 2001.

<sup>80</sup> Regulation 28(2), RPR 2001.

<sup>81</sup> Section 9B(6), RPA 1983.

6.17 When an anonymous application is received, all previous 'ordinary' applications either awaiting determination or determined but not added to the register for that individual are suspended until the anonymous application is determined. If the anonymous application is rejected then all previous applications for registration are disregarded and no entry at all is made on the register.<sup>82</sup>

6.18 In practice an application from a canvass form may include a note asking for more privacy with a reason that may satisfy the requirements for anonymous registration. An anonymous registration application should then be sent. Upon receipt of a completed anonymous registration application form the original canvass form is then suspended (for the anonymous applicant only) until the anonymous application is determined.

6.19 If the anonymous registration application is rejected, no entry can be made on the register for that elector either as an anonymous or ordinary elector, not even based on any original canvass form or rolling registration application. If the anonymous application is accepted, the original canvass form is disregarded for that elector and only the anonymous entry shall apply. This does not affect any other people on a canvass form; they should be registered normally unless they also apply for anonymous registration.

6.20 If a person already has an entry on the register and an anonymous application is accepted, the ordinary entry is removed and the anonymous entry used instead. The existing entry is not removed unless and until the anonymous application is accepted by the Electoral Registration Officer. There is no flexibility to remove an existing entry from a register before the anonymous application has been accepted. Any existing entry is removed at the same time that the anonymous registration is added.

6.21 Registration lasts for 12 months from the day the anonymous entry is first made on the register (the date of the notice of alteration). Once that period of 12 months has ended, the registration is removed on the next notice of alteration subject to the standard application deadline (note that this is not the special anonymous application deadline). Applications can be removed earlier by cancellation from the elector or a review of registration.<sup>83</sup>

6.22 The Electoral Registration Officer must send a reminder between 9 and 10 months after the date of first registration (and each anniversary).<sup>84</sup> The reminder must explain that a new application must be made and, if the elector wants to remain registered anonymously, must be accompanied by a new application for an anonymous entry.

6.23 Registration can be renewed annually for another 12-month period. Renewals must contain the same level of evidence as original applications. Applicants should therefore be advised to keep a copy of attestations or copies of court documents for subsequent applications. It would be good

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<sup>82</sup> Section 9B(6), RPA 1983.

<sup>83</sup> Section 9C, RPA 1983.

<sup>84</sup> Regulation 25A, RPR 2001.

practice to offer to copy any originals so that they can be returned and the copy kept for reference. It is recommended that if the elector loses their supporting documents, the Electoral Registration Officer supply a copy of any document or attestation which is still in force to assist with any renewal.

6.24 Anonymous entries can be subject to Electoral Registration Officer review. Further consideration of the review process is contained in Part D, 'Monthly alterations to the register'. If the Electoral Registration Officer considers that such a person should not be or should never have been on the register they can be reviewed. The name and address of the person is not entered on the list of persons under review. Anonymous entries or applications cannot be objected to under the objection procedure.<sup>85</sup>

6.25 In England and Wales, the Ministry of Justice has made arrangements so that anonymous registration appeals, which can only arise from reviews or the original application, should be heard in private.<sup>86</sup> Equivalent arrangements are in place in Scotland.<sup>87</sup> Further information can be found in Part D, 'Monthly alterations to the register', Section 7, 'Hearings'.

## Types of documents and attestation

6.26 The application must contain the elector's reason as to why they are applying for an anonymous entry.<sup>88</sup> The application must also be accompanied by either a court order or an attestation.<sup>89</sup>

6.27 Any court order or injunction must be for the protection or the benefit of the applicant or another person of the same household. The order must also be in force on the day of the application but not necessarily for the whole 12-month period of registration.<sup>90</sup> An order ceasing to be in force during the 12-month period of registration does not reduce or otherwise affect the length of registration. A copy rather than the original of any court document being relied on is acceptable.<sup>91</sup>

6.28 The eligible court documents are:<sup>92</sup>

- an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under Section 3 of the Protection from Harassment Act 1997 or under article 5 of the Protection from Harassment (Northern Ireland) Order 1997

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<sup>85</sup> Section 10A(3B), RPA 1983.

<sup>86</sup> Paragraphs 24 and 25, Civil Procedure Rules, Practice Direction 52 (applicable to all appeals in England and Wales). Paragraph 24(5)(8) of the Practice Direction provides that the hearing of appeals by the county court for anonymous registration will be in private unless the court orders otherwise and paragraph 24(5)(9) contains similar provision for appeals to the Court of Appeal.

<sup>87</sup> Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (Registration Appeals) 2008.

<sup>88</sup> Regulation 31G(1)(c), RPR 2001.

<sup>89</sup> Regulation 31G(3), RPR 2001.

<sup>90</sup> Regulation 31I(5), RPR 2001.

<sup>91</sup> Regulation 31I(2), RPR 2001.

<sup>92</sup> Regulation 31I(3), RPR 2001.

- an injunction granted under Section 3A(2) of the Protection from Harassment Act 1997
- a restraining order made under Section 5(1) of the Protection from Harassment Act 1997, or under article 7 of the Protection from Harassment (Northern Ireland) Order 1997
- a restraining order on acquittal made under Section 5A(1) of the Protection from Harassment Act 1997, or under article 7A(1) of the Protection from Harassment (Northern Ireland) Order 1997
- a non-harassment order made under Section 8(5)(b)(ii) of the Protection from Harassment Act 1997
- a non-harassment order made under Section 234A(2) of the Criminal Procedure (Scotland) Act 1995
- a non-molestation order made under Section 42(2) of the Family Law Act 1996, or under the Family Homes and Domestic Violence (Northern Ireland) Order 1998

6.29 If an attestation is used it must certify that if the name and/or address were on the register the applicant's or another member of the same household's 'safety would be at risk'. Attestations must be signed and dated by a qualifying officer.<sup>93</sup> The period of the attestation begins on the date stated and lasts for a period of between one and five years. The actual length must be stated within the attestation.<sup>94</sup> The Commission has produced an anonymous registration application form which contains an attestation.

6.30 The qualifying officers who may attest are:<sup>95</sup>

- a police officer of or above the rank of superintendent of any police force in the UK
- the Director General of the Security Service or the Serious Organised Crime Agency
- a director of adult social services or children's services in England or a director of social services in Wales
- any chief social work officer in Scotland
- any director of social services of a Health and Social Services Board or executive director of social work of a Health and Social Services Trust in Northern Ireland

6.31 It is recommended that the Electoral Registration Officer contact their relevant directors and chief officers to alert them to their powers under the anonymous registration process. They may wish to be aware of their attestation powers and any guidance that their representative groups have given on dealing with requests for attestation (such as from the Association of Chief Police Officers for police officers). They may also know of establishments (such as refuges) where people who may qualify for anonymous registration visit or are resident.

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<sup>93</sup> Regulation 31J(2), RPR 2001.

<sup>94</sup> Regulation 31J(3), RPR 2001.

<sup>95</sup> Regulation 31J(4), RPR 2001.

6.32 The attestation can come from one of the qualifying officers from a different area than that in which the elector now lives and is registering. This may often be the case where the applicant has moved to a new area to set up home away from the cause of the risk to their safety. For example, an attestation from one English local authority director of children's services is valid in every local authority area in Great Britain.

6.33 The attestation cannot be delegated from a qualifying officer to a more junior person within their organisation and the attestation must be in writing and signed by the qualifying officer.

## Inclusion on the register and records of anonymous electors

6.34 Once an anonymous application is accepted, an entry is made on the register at the next register alteration or revision. Neither the name nor the address of anyone accepted as an anonymous elector will appear on the register. The entry for each person must consist of the elector number and the letter N. The letter N can appear as an addition to the column for the normal franchise or absent vote letters such as G or A, or the letter N could appear in the name column if desired. These electors must be placed in the 'other electors' section at the end of the register and placed after all the other declaration electors.<sup>96</sup> Part H, 'Access and supply', sets out an example register layout which shows the options available.

6.35 Communications from the Electoral Registration Officer or the Returning Officer should not be able to be used to identify those with an anonymous entry. Items such as renewals, poll cards and postal votes should be in a covering plain envelope.

6.36 The Electoral Registration Officer must keep a special list, the 'record of anonymous entries', of those people with an anonymous entry. This shall contain the electoral number, full name, address, correspondence address (if any) and date that the registration first took effect.<sup>97</sup> The utmost security must be applied to this list and no unauthorised access must be allowed (see 'Access and supply issues' below). Absent vote delivery address details should be kept on the anonymous record.<sup>98</sup>

6.37 When a person is entered in the record, a 'certificate of anonymous registration' must be issued. This must mention the area for which the Electoral Registration Officer has responsibility, the elector's name, qualifying address, electoral number and date on which the registration took effect. It must also state that the registration will end no later than 12 months from that registration date if no renewal is made.<sup>99</sup>

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<sup>96</sup> Regulation 41A, RPR 2001.

<sup>97</sup> Regulation 45A, RPR 2001.

<sup>98</sup> Regulation 45A(4), RPR 2001.

<sup>99</sup> Regulation 45G, RPR 2001; Regulation 45F, RPR (Scotland) 2001.

6.38 Anonymously registered electors may find it difficult to prove their identity and in obtaining credit and financial facilities as they will not appear on the register. The major credit reference agencies have introduced facilities to assist in this matter but the choice of whether the information from the certificate is given to the credit reference agencies is one for the anonymously registered elector not the Electoral Registration Officer. The Commission has provided some sample wording (below) for use in the compulsory certificate of anonymous registration.

### **Certificate of anonymous registration**

I, the Electoral Registration Officer for [name of area], certify that the person named below has an anonymous entry.

Name:

Qualifying address:

Elector number:

This registration commenced on [date of register update or revision] and will continue for 12 months unless cancelled by the elector or removed under any enactment.

Signed:

[Name]

Electoral Registration Officer

### **Important information for anonymous electors. Credit reference agencies, identity and political donations.**

#### **Credit and identity**

The electoral register is used as an important part of proving your identity and deciding on whether to give people credit facilities. As your name and address will not appear on the register you may find it difficult to open a bank account or make other financial arrangements. You may find it useful to contact the credit reference agencies to add your name to their special anonymous elector database. However, this will involve handing your details to a third party. Remember that the decision on handing over your details is yours and you should only consider this if you are confident about the process the company has to keep your data secure.

#### **Political donations**

Only people who are on the electoral register may donate or loan money to a registered political party (or other regulated person or organisation) in Great Britain. As your name and address is not included on the register you will need to show and possibly supply a copy of this certificate to the regulated person or body if you wish to donate or loan money. Remember that the decision on handing over your details is yours but if you do not supply a copy of this certificate you will not be able to donate or loan money.

## Absent voting lists



For more information see Part G, 'Absent voting'. The absent voting lists must, for anonymous electors and their proxies, contain only the electoral number and the period for which the absent vote is in effect, but not any address. At an election, the copy of the absent voting lists to enable postal vote issuing and marking the return of postal votes contains only the electoral number. The address to which the ballot pack will be sent must not be on that list and all correspondence must be sent in an unidentifiable envelope.<sup>100</sup>

6.39 The edited register must not contain an anonymous entry. All anonymous electors are automatically opted out.<sup>101</sup> No action is required if an anonymous application form does not contain information on the opt-out.

### Access and supply issues

6.40 The record of anonymous entries is clearly a very sensitive document and proper precautions must be made to ensure that there is no unauthorised access to it.

6.41 Access is allowed only to the following persons and organisations that have a duty to ensure that the record is kept securely and used only for prescribed uses:

- Returning Officers and referendum Counting Officers (provided with any copy of the register or part of it)<sup>102</sup>
- in England and Wales, the jury service (on written request)<sup>103</sup>
- the security services, including GCHQ (provided with any register request)<sup>104</sup>
- police forces (including the Police Information Technology Organisation and the Serious Organised Crime Agency) (on request in writing from a senior office as defined in the Regulations)<sup>105</sup>

6.42 When the lists of postal and proxy voters are inspected or supplied, only the electoral number and duration of the absent vote of any anonymous elector can be shown or supplied. This is because the lists can only include this information. Marked lists mirror this by containing only the electoral number.

<sup>100</sup> Section 9B(8), RPA 1983.

<sup>101</sup> Regulation 93(2A), RPR 2001.

<sup>102</sup> Regulation 45C, RPR 2001.

<sup>103</sup> Regulation 45D, RPR 2001.

<sup>104</sup> Regulation 45E, RPR 2001; Regulation 45D, RPR (Scotland) 2001.

<sup>105</sup> Regulation 45F, RPR 2001; Regulation 45E, RPR (Scotland) 2001.

## Methods of voting

### Voting at the polling station

6.43 A poll card must be sent to all anonymous electors. There are amendments to the prescribed form of poll card for anonymous electors and these are shown on the form. The poll card will contain the elector's number but not their name or qualifying address. Poll cards must be sent even in cases where a parish or community council has not asked for poll cards to be sent to normal electors (as otherwise they cannot vote in person). The poll card must state clearly that the elector **must** take this card to the polling station otherwise they will **not** be able to vote.

6.44 As anonymously registered electors are required to have their poll card to vote, a process to create replacement poll cards should be put in place. Such replacement should be made after appropriate security checks have been made. These checks should mirror the checks made before the replacement of a lost postal vote.

### Voting by post or proxy

6.45 Applications for an absent vote must state that the elector has been granted or has applied for anonymous registration. There is no requirement for a reason for ballot papers to be sent to other addresses for such electors.

6.46 No reason is required for an elector with an anonymous entry making a proxy application for a particular election. Applications for emergency proxies due to a disability received after the normal proxy deadline do not have to be accompanied by evidence or attestation but the applicant would still have to state the grounds and time they became eligible for the late proxy.

6.47 Postal votes must be sent to the address given in the postal vote application in a plain envelope. The Returning Officer should require the list of anonymous electors for this purpose and the Electoral Registration Officer should keep the absent voting details up-to-date.

## Miscellaneous provisions concerning anonymous electors

6.48 Anonymously registered people can donate to registered political parties but they must provide the party with a copy of their certificate of anonymous registration as proof of eligibility.<sup>106</sup> A registered political party may ask the Electoral Registration Officer to confirm the validity of any certificate. The elector details cannot be confirmed but the Electoral Registration Officer may wish to confirm the format of their certificate and that the electoral number on that certificate matches the register entry for an anonymous elector. The same applies for other political donations which are regulated.

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<sup>106</sup> Section 65(2A), PPERA.

6.49 The Electoral Registration Officer should ensure that any electoral software system they use is capable of handling all of the procedures and actions required for anonymous registration.

6.50 The Electoral Registration Officer should consider which establishments or properties such as refuges may welcome anonymous registration forms and additional information in order to ensure maximum registration as part of the duty to maintain the register. Registration application forms could be sent with a note explaining what this type of registration could mean for people in these places.

6.51 Anonymous registration does not affect any other special category elector entitlement and can be combined. For example, a person may be an anonymous elector with a local connection or an anonymous service voter if they meet the qualification for both registrations. They would appear on the register as 'other anonymously registered electors' after the other declaration electors.

## Data collection

6.52 The Commission's research department intends to produce statistics on anonymous registration. They are interested in the reasons given by applicants for their application, the type of evidence given and if the Electoral Registration Officer accepted or rejected the application and the reason for any rejection. This data will aid with any further guidance for administrators in the processing of applications and in understanding how this new type of registration is working.

6.53 Please send returns in the format below in December and May each year (after publication of revision/update of the register) to [anonymousregistration@electoralcommission.org.uk](mailto:anonymousregistration@electoralcommission.org.uk) or post to Research Team, The Electoral Commission, Trevelyan House, Great Peter Street, London SW1P 2HW. Please also send in any 'nil returns' so that the data will be complete.

| Local authority     |              |                   |   |                      |
|---------------------|--------------|-------------------|---|----------------------|
| Date of application | Reason given | Evidence provided | Accept/reject – if accepted, date of registration | Reason for rejection |
|                     |              |                   |   |                      |