
Association of Electoral Administrators

Seminar 2007 – Workshop Session

**Annual
Declarations
including
Anonymous
Registration**

Session Leaders

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General Points

The administration of declaration electors is not a function of the annual registration canvass – even though you may issue renewals and process applications at the same time as the annual canvass, the administration of special category electors is a rolling process.

Declaration of local connection	Homeless Mental patients Remand prisoners
Service qualification	HM Forces Crown Servants serving overseas British Council employees living overseas Spouses and civil partners of the above
Overseas Electors	British nationals living overseas may register for up to 15 years after they were last registered as an ordinary elector in the UK
Anonymous entries	Electors at risk who meet the safety test

Successful applicants must be notified in writing.

Applications are available for public inspection (with the exception of applications for anonymous entries) until the ERO has determined them - the same period of 5 clear days applies as for ordinary applications. The ERO's decision can be challenged in the same way as for the rejection of ordinary applications (again excepting anonymous entries).

It is important to note that in all cases, the declaration is separate from the actual application to register – the declaration provides the specific information required to register as a special category elector, whereas the application is the same as for every other elector. In most cases, however, they are combined in the same document.

Absent voting is also an entirely separate function, albeit integral to enabling electors to actually vote.

In all cases, absent voting arrangements end on the day a declaration is removed from the register, e.g. at the end of the twelve-month declaration period. However, if an elector is already on the register as a 'normal' elector, the new absent vote

takes effect on the day it is processed by the Electoral Registration Officer (ERO) (and could therefore be in force before the declaration takes effect).

The following table shows how long declarations are valid for, when the ERO is required to send reminders and provisions regarding the date and receipt of declarations:

Type of declaration	Period of validity	ERO to send reminder*	ERO's receipt of declaration
Homeless, mental patients, remand prisoners	12 months from when declarations take effect	9-10 months after declarations took effect	Declaration must be received within 3 months of its date
HM Forces and their spouses or civil partners	3 years from when declarations take effect	33-34 months after declarations took effect	Declaration must be received within 3 months of its date
Crown servants and British Council employees and their spouses or civil partners	12 months from when declarations take effect	9-10 months after declarations took effect	Declaration must be received within 3 months of its date
Overseas electors	12 months from when declarations take effect	9-10 months after declarations took effect	Declaration must be received within 3 months of its date
Anonymous entries	12 months from when declarations take effect	9-10 months after declarations took effect	(no stipulation)

*The ERO is not required to send a reminder if s/he has received information that the elector is no longer entitled to make the relevant declaration or has received information that the elector no longer wishes to make the relevant declaration.

If the applicant submits a completely fresh declaration before the original period has expired, it will override the original declaration period. However, where an applicant submits a renewal, the new period will only commence when the original period expires.

All declarations are valid for a twelve-month period from when they take effect (i.e. when the new or amended entry in the register is published).

In most cases, the declaration and application need to be transmitted direct to the ERO. However, in the case of Crown Servants and British Council employees, the declaration needs to be transmitted via the relevant government department or British Council office.

The ERO must acknowledge the receipt of all renewed declarations.

Remember that all applications have to be received within 3 months of the date of declaration and it has to be the original document a fax is not acceptable.

Don't forget that opt out applies to all special category electors. If an application is made on a form that does not include the option, you must write to the elector giving them twenty-one days to request that their details be excluded from the edited register (when next published).

Good Practice Suggestions

Have a monthly aide memoir reminding you of the key actions you need to undertake, for example:

- Identify the declaration reminders required;
- Update absent voting records;
- Send cancellation notices to proxies;
- Remove non-renewals.

Don't rely on computer systems.

Issue clear, easy to read guidance to assist electors in completing applications – this is particularly relevant and helpful for new applicants.

Where a former special category elector registers as a 'normal' elector (e.g. a former service voter), notify them of their changed registration circumstances, i.e. they will not receive personal registration reminders in the future. You could also issue them with an absent voting application if they held an absent vote linked to their declaration.

Ask for email addresses and send subsequent renewals in that way.

Offer the postal voting option as a matter of course to proxies who either live outside your area or a significant distance from the allocated polling station.

Overseas Electors

Statutory References

Representation of the People Act 1985

(Sections 1 to 3 – as amended by the Representation of the People Act 2000 and The Political Parties and Referendums Act 2001)

Representation of the People Regulations 2001

(Regulations 18 to 22 and Part III)

Further Reading

The Electoral Commission's 'Managing Electoral Services'

Parker's Law and Conduct of Elections

Schofield's

Key Points

The right for British citizens living abroad to vote at parliamentary and European parliamentary elections was introduced by the Representation of the People Act (RPA) 1985.

Only British citizens may register – other Commonwealth citizens and citizens of the Irish Republic may only register when living in the UK.

Overseas electors need to be indicated in the register with the letter 'F' (or an 'E' if a Lord) under the 'other electors' section – you must not show them in the register at their qualification address (because they don't live there!).

There is no requirement for an official form, however, most administrators now use a standard form.

Applicants must satisfy one of two sets of conditions:

- Either they have been included in a register of electors as resident at an address in the UK within the last fifteen years (see Section 1(3) of the RPA 1985);
- Or, if they were too young to be included in a register, have left the UK within the last fifteen years, their parents or guardians were included in a register of electors as resident at an address in the UK within the last fifteen years, and they will be or attain the age of 18 in the twelve-month period when the entry in the register as an overseas elector takes effect (see Section 1(4) of the RPA 1985).

The declaration must state:

- that the declarant is a British citizen;

- that the declarant is not resident on the UK on the date it is made;
- the date he or she ceased to be resident or cease to have a service qualification.

In addition, for first time applications, the declaration must:

- show which set of registration conditions the declarant claims to satisfy (either previous residence in the UK or the details of residence of a parent or guardian if too young);
- in the case of previous residence, specify details of the registration address;
- where the declarant was too young, specify the declarant's date of birth, the address where s/he was previously resident, and the name of the parent or guardian on whose registration s/he relies (Sec 2 (4) RPA 1985).

Declarations in support must be made by a British citizen living overseas who is not related to the applicant. Passports that have lapsed do not invalidate the declaration.

The ERO can require further evidence in support of any application – however, any costs incurred must be reimbursed to the elector.

The fifteen-year absence period from the UK is defined by the RPA 1985 as “the period of fifteen years ending immediately before the relevant date” (Section 1). The relevant date is the date the application is dated.

Rolling registration presents a challenge – remember that the fifteen-year period runs from the date the elector was last registered. There is therefore a need to maintain accurate, accessible records of all amendments to the register for future reference.

- In theory, an elector could register in one month, be removed from the register the following month, and then be entitled to register as an overseas elector for the next 15 years.

Treat the date the applicant left the UK as a guide rather than as a concrete fact – be aware that electors may not understand the register timetable. The fifteen-year period runs from the elector’s last entry in the register of electors. Electoral Commission advice is to search a couple of years either side of the stated date of departure. Remember, the elector is entitled to register for fifteen years from the date they were last registered as an elector in the UK, not when they left the country.

Successful applications must be acknowledged in writing.

If the application is rejected, the declaration must be returned to the elector with a notice setting out the reasons why – remember to keep a copy for your files!

An application would be rejected if:

- The applicant was not a British Citizen
- If the relevant time period had elapsed
- If they were resident in the UK

Overseas electors can still vote in person if they are in the UK at election time unless they have opted to vote by post. Where a proxy has been appointed, and that proxy makes a postal voting arrangement, pre-warn the elector that they will be unable to vote in person.

Applications are available for public inspection until the ERO has determined them – the same five-day rule as for 'normal' applications applies. The ERO's decision can be challenged in the same way as for the rejection of 'normal' applications.

Where an overseas elector applies to re-register after a declaration period has lapsed, he or she does not have to have the declaration supported by a British passport holder living overseas unless they have since registered as a 'normal' elector at a UK address.

Electoral Registration Officers should retain overseas applications for 15 years in order to check the previous records of applicants.

Service Voters

Statutory References

Representation of the People Act 1983

(Sections 14 to 17 – as amended by the Representation of the People Act 2000)

Representation of the People Regulations 2001

(Part II)

Further Reading

The Electoral Commission's 'Managing Electoral Services'

Parker's Law and Conduct of Elections

Schofield's

Key Points

There are three different categories of service voters:

- HM Forces (Army, Navy and Royal Air Force);
- Crown Servants (who are living abroad);
- British Council Employees (who are living abroad).

Service voter registration rights also apply to spouses and civil partners.

HM Forces

ERO's need to liaise directly with their HM Forces service voters, therefore it is essential that records are kept accurate. Although the services should have appointed Unit Registration Officers following the introduction of the campaign run by the Ministry of Defence and the Electoral Commission to get Service personnel registered. The URO's should make contact with all ERO's who have a service establishment in their area.

With the declarations now being for 3 years it is considered best practice to make contact every year to ensure that the records are accurate. It may be sensible to try and see if you could obtain an email address and then the renewal could be sent as an attachment. If you do lose contact with the service voter then you could send a copy of the renewal notice to the elector's registration address if the elector still appears to have a tie there, i.e. his or her family still lives at the address, or the voter's proxy lives there.

H.M. Forces service voters have the choice of registering by way of service declaration or as an ordinary elector, if they satisfy the registration requirements, by

completion of either a household or a rolling registration form.

Names should be listed in the register at the qualification address unless the declaration states that the address given is "where the elector has previously resided" – in such cases, their listing is under 'other electors'.

The key advantages of registration by declaration are that:

- If posted in the UK, there is greater flexibility in where they are able to register, e.g. they will be able to register at a previous rather than a current address;
- If posted in the UK, they could legitimately register at two addresses – one by declaration, and one by household registration;
- Wherever posted, they will receive a personal reminder to re-register;
- Schedule 4 to the RPA 2000 gives them the right to register for a proxy vote without attestation. A proxy application from a member of HM Forces registered as a 'normal' elector would need to be counter-signed by their 'employer'.

Where a service declaration is ended, it is good practice to offer replacement absent voting facilities.

British Council/Crown Servant

What are they? Simple definitions – an individual who works abroad for the British Council (trade organisation), a diplomat, etc.

Electors must be living outside the UK to register in this way.

The declaration must be submitted via the relevant government department or the British Council.

There is no requirement for application to be made on official form but it must include the following information:

- Dated
- State that on date of the declaration the declarant resides in the UK or would have been so residing but for the circumstances entitling him/her to make the declaration
- Address of where declarant would have been residing or if they do not have an address in the UK then as address at which they have resided in the UK (this determines which Constituency they are entitled to be registered in.
- State that they are a Commonwealth citizen, or a citizen of the Republic of Ireland or a relevant citizen of the Union.

All Service Voters

Successful applications must be acknowledged in writing.

Service voters can still vote in person if they are in the UK at election time unless they have opted to vote by post. Where a proxy has been appointed, and that proxy makes a postal voting arrangement, pre-warn the elector that they will be unable to vote in person.

Applications are available for public inspection until the ERO has determined them – the same five-day rule as for 'normal' applications applies. The ERO's decision can be challenged in the same way as for the rejection of 'normal' applications.

If the application is rejected, the declaration must be returned to the elector with a notice setting out the reasons why – keep a copy for your files!

Declaration Electors

Statutory References

Representation of the People Act 1983

(Sections 3, 3A, 7, 7A, 7B and 7C – as amended by the Representation of the People Act 2000)

Representation of the People Regulations 2001

(Parts II and III)

Further Reading

The Electoral Commission's 'Managing Electoral Services'

Parker's Law and Conduct of Elections

Schofield's

Key Points

What are they?

- Patients in mental hospitals;
- Remand prisoners;
- Homeless individuals.

All may register by making a 'declaration of local connection'. The concept of notional residence was introduced in the RPA 2000 following various case law findings (e.g. Lippiatt v Penwith DC).

Patients in Mental Hospitals

Basically, any patient in a mental hospital or a facility for the treatment of persons suffering from a mental disorder may register by way of declaration.

You need to know where the mental hospitals and treatment facilities are in your area. They cannot be included in the canvass – registration at such facilities can only be made by way of declaration of local connection. To facilitate registration, you could supply declarations and absent voting applications to the facilities you identify.

Important point – individuals with mental disorders who live in the community (i.e. not at a registered facility) may only register as normal electors. The common law principle of being 'lucid' when voting applies – i.e. regardless of the severity of the disorder, if the elector understands what they are doing whilst in the act of voting, they can vote.

When registered by declaration at a mental hospital, the voter may only vote by way of an absent vote (Schedule 4 to the RPA 2000).

Remand Prisoners

If a remand prisoner will be detained for a sufficient length of time, they may register at the prison address. Prisons should not be included in the canvass.

If a remand prisoner is subsequently convicted, the ERO must remove their details from the register at the next possible opportunity.

To facilitate registration, you could supply declarations and absent voting applications to any prisons in your area – however, note that any ERO may need to register a remand prisoner at the address at which they would have been residing or have previously resided.

There may be an issue about the secrecy of postal votes? Only mail from solicitors and MPs may be left unopened by prison authorities – do you need to liaise with authorities to protect the secrecy of the ballot? – Section 66 requirements of the RPA 1983 apply.

Homeless Individuals

The homeless may register at the address or location at which they commonly spend a substantial part of their time (day or night). They can give the ERO's office as a postal address.

It is good practice to liaise with 'homeless' professionals – e.g. homeless charities, distributors of the 'Big Issue', drop in centres, etc. – to raise awareness of voting rights with homeless persons.

They do not have to vote via an absent vote – they may vote at the polling station. Homeless electors should be listed under the 'other electors' category of the appropriate register.

Important point – where a declaration is made during the period covering the date of vacancy to the close of nominations at a parliamentary by-election, the declaration must be accompanied by a statement that the applicant has commonly resided at the address or location given for a period of three months.

All Declaration Electors

Successful applications must be acknowledged in writing.

All declarations must contain the following:

- Name of the declarant
- An address to which correspondence from the ERO or RO can be delivered or that the declarant is willing to collect such correspondence from the ERO or RO.

- Date of declaration
- Specify the category in question, and in the case of the 1st two categories provide the address of the mental hospital at which the declarant patient resides

If the application is rejected, the declaration must be returned to the elector with a notice setting out the reasons why – keep a copy for your files!

Anonymous Registration

Statutory References

Representation of the People Act 1983 (as amended)

Representation of the People Act 2006 – Part 2 (Section 10) –sets out the basis for application, the safety test and removal of other entries

Juries Act 1974,(Court copy)

Representation of the People Regulations 2001

Representation of the People Act 2000

Representation of the People Amendment (No2) Regulations 2006

Key Points

Registration - An application has to be made in accordance with prescribed requirements

- A declaration must be made
- Evidence supplied to support declaration (as prescribed)
- Must satisfy the safety test

The safety test which needs to be satisfied is if the safety of the applicant for an anonymous entry or that of any other person of the same household would be at risk if the register contains the name of the applicant or his qualifying address.

To satisfy the safety test applications should be accompanied by evidence of a court order or injunction (Reg 31I RPR 2001) or an attestation by a qualifying officer named in Reg 31J RPR 2001:

- the chief officer of police of any police force in England and Wales;
- the Director General of Security Service;
- the Director General of the Serious Organised Crime Agency;
- any director of adult social or children's services.

Where this evidence relates to another member of the household, the applicant must provide evidence that s/he is of that household.

If the ERO determines that the applicant is entitled to be registered as an anonymous entry, s/he shall (Reg 41A RPR 2001):

- allocate the entry an electoral number together with the letter "N" (but no name shall be shown);
- make the entry in the relevant part of the register under "Other electors"; and
- group such entries after any names showing under "Other electors".

The ERO must keep a record of anonymous entries showing the applicants' full names, electoral numbers, qualifying addresses, correspondence addresses (if

different), dates of entry in the register and (if applicable) addresses to which postal ballot papers are to be sent (Reg 45A RPR 2001).

This record may only be made available to those listed in Regs 45B (ERO and staff), 45C (returning and counting officers), 45D (persons supplied in accordance with section 3(1A) of the Juries Act 1974), 45E (the security services) and 45F (senior officers of police forces) of RPR 2001.

Where the ERO enters a person in the record of anonymous entries, s/he must issue to that person a certificate (Reg 45G RPR 2001).

Any communication (e.g. polling card or postal vote confirmation) sent by an ERO "to a person who has an anonymous entry (A) must be sent in an envelope or other form of covering so as not to disclose to any other person that A has an anonymous entry." (Sec 9B (8) RPA 1983).

A person with an anonymous entry is entitled to following:

- Can vote in person , by proxy or postal proxy or postal vote
- Poll cards
- Postal vote statements
- Prescribed questions
- Exclusion from lists

If a person has an anonymous registration, his entitlement to remain registered terminates if:

- At the end of the period of 12 months beginning with the date when the entry in register first takes effect, or
- If the declaration made for the purposes of section 9B is cancelled at any time before the expiry of that 12 month period at the time when the declaration is cancelled.

General Points

- An anonymous elector cannot subscribe a nomination paper
- Anonymous entry to be excluded from the edited version of the register
- Applications not available for public inspection
- Further guidance will be issued by the Electoral Commission

European Union Citizens

Statutory References

Juries Act 1974

European Parliamentary Elections Act 1978

Representation of the People Act 1983

Representation of the People Act 1985

Representation of the People Act 2000

Representation of the People Regulations 2001

European Parliamentary Elections (Changes to the Franchise and Qualification of Members) Regulations 1995

European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001

Further Reading

The Electoral Commission's 'Managing Electoral Services'

Parker's Law and Conduct of Elections

Schofield's

Key Points

ERO's are still required to issue a UC1 form inviting 'K' registration every year.

Whatever the local practice, in a European Parliamentary Election year you must issue UC1's to electors who advise you that they are European Union nationals (i.e. throughout the annual canvass, and for all relevant 'rolling registration' applications made prior to the register being finalised for the election).

It is important that you do not forget to supply UC1's to electors who make monthly applications to register.

You may need to supply copies of all such applications to the ODPM.

Further Information

Should you have any queries or issues that you would like to discuss further after Seminar, or you would like further copies of the handouts and/or a copy of the PowerPoint presentation, please do not hesitate to contact either of the following.

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