
Annual Declarations

Including



Anonymous Registration

Session Leaders

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Overview of Workshop



- Annual Declarations (Special Category Electors)
- Anonymous Registration

Annual Declarations



Which electors are required to make annual declarations? These are also defined as 'special category electors'?

Special Category Electors

 Overseas Electors

 Service Voters

 HM Forces, Crown Servants and British Council
Employees

 Declaration of Local Connection Electors

 Homeless, Remand Prisoners and Voluntary Mental
Patients

 European Union Nationals

General Points

- 👉 The administration of declaration electors is **not** a function of the annual registration canvass
- 👉 The 'declaration' is separate from the 'application'
- 👉 Absent voting is also a completely separate function

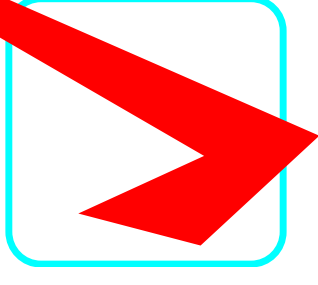
General Points

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)

General Points

- 👉 The ERO must send a reminder to declaration electors 3 months prior to the expiry of the declaration **unless** information received that elector
 - 👇 is no longer entitled
 - 👇 no longer wishes to make declaration
- 👉 Transmission of declarations/applications generally direct to ERO
 - 👇 Crown Servants and British Council via their employer
- 👉 The ERO must acknowledge the receipt of all renewed declarations
- 👉 'Opt out' applies to all special category electors

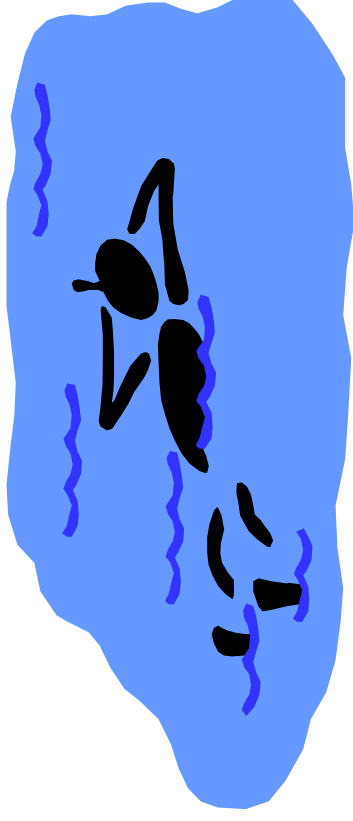
Good Practice Suggestions



- 👉 Monthly 'aide memoir'
- 👉 Issue clear, easy to read guidance
- 👉 Offer replacement absent votes where declaration electors do not renew
- 👉 Record e-mail addresses for queries and reminders
- 👉 Offer postal voting option to proxies who might find it difficult to vote at the allocated polling station

Overseas Electors

- 👉 Only British citizens may register as overseas electors
- 👉 Need to be listed under 'Other Electors' with an 'F' or 'E' indicator
- 👉 Must satisfy 1 of 2 sets of conditions
 - 👇 been registered at an address in UK within last 15 years
 - 👇 if too young, have left UK within last 15 years and parent/guardian included in UK register



Overseas Electors

- 👉 'Young' applicants must supply copy of birth certificate
- 👉 Declarations in support must be made by British citizen living overseas
- 👉 ERO can require evidence in support
- 👉 15 year 'absence' period is defined as "the period of 15 years ending immediately before the relevant date"
- 👉 The 'relevant date' is the date the declaration is made by the elector

15 Years!



- 👉 15 year 'cut off'
- 👉 How does this work?
- 👉 Lets have a look at the case study
- 👉 Lapsed declarations to be removed at the end of the month

Rolling Registration Issues

- 👉 Section 1 of the RPA 1985 (as amended)
 - 📌 "... entry in the register was in force at any time falling within the period of 15 years ending immediately before the relevant date ..."
- 👉 Register no longer published on set dates
 - 📌 e.g. 29th November 2002; 2nd January 2003; 3rd February 2003; etc.....
- 👉 Register updates

Overseas Electors

- 👉 Treat the date the applicant stated they left the UK as a guide, not a concrete fact
 - ↙ the 15 year period runs from the last entry in the register
- 👉 Successful applicants must be notified in writing
 - ↙ provide details of application period
 - ↙ confirm absent voting arrangements
 - ↙ send notice to proxy
 - ↙ offer postal vote to proxy

Overseas Electors

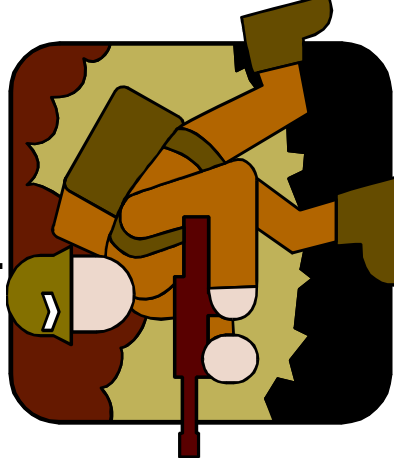
- 👉 Can vote in person if in UK at election time
 - 📌 pre-warn voter if proxy makes a postal arrangement
- 👉 If application rejected, must return declaration to elector with a notice setting out the reasons why
- 👉 5 day inspection procedure applies
- 👉 Don't forget that overseas electors may vote by post
 - 📌 reminders need to offer postal voting option

Overseas Electors

- 👉 Don't forget 'opt out'
- 👉 Re-registration of 'lapsed' declarations
 - ⚡ do **not** have to have declaration re-supported
 - ⚡ registration via monthly application
 - ⚡ keep a list of 'lapsed' declarations
- 👉 List of Overseas Electors

Service Voters

- 👉 HM Forces
 - 👇 Army, Royal Air Force, Royal Navy
- 👉 Crown Servants
 - 👇 e.g. diplomats, civil servants
- 👉 British Council employees
 - 👇 “educational and cultural relations”
- 👉 Registration rights also apply to spouses & civil partners



HM Forces

- 👉 May now register by declaration or on a household form
- 👉 Advantages of registering by declaration
 - 👇 will receive a personal reminder to re-register
 - 👇 can register at previous address
 - 👇 proxy vote by right
- 👉 Advantages of household registration
 - 👇 could be registered by householder
 - 👇 potential for one-year carry forward
- 👉 Could register at service and home address
- 👉 Problem of tracking HM Forces personnel down

HM Forces

- Appointment of Unit Registration Officers
- Contact to be made with all ERO's who have service establishments in area
- Campaign by MOD in conjunction with Electoral Commission

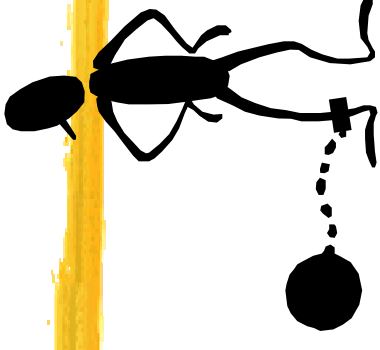
Crown Servants / British Council

- 👉 Crown Servant = diplomat, civil servant, etc.
- 👉 British Council = "educational and cultural relations"
- 👉 Applicants must be living outside the UK
- 👉 Declaration must be submitted via the relevant Government department or the British Council
 - 👉 if not, you should reject

Service Voters

- 👉 Successful applications must be advised in writing
- 👉 Elector can still vote in person
 - 🔻 pre-warn the elector if proxy chooses to vote by post
- 👉 If application rejected, must return declaration to elector with a notice setting out the reasons why

Declaration of Local Connection Electors



- 👉 Patients in Mental Hospitals
- 👉 Remand Prisoners
- 👉 Homeless Individuals
- 👉 All register by making a 'Declaration of Local Connection'
 - 📌 concept of 'notional residence' introduced by RPA 2000
- 👉 Information required clearly prescribed
 - 📌 e.g. full name, registration category, correspondence address, address of mental hospital, address at which currently registered, etc.

Patients in Mental Hospitals

- 👉 Mental hospitals should not be canvassed for patients
- 👉 Length of stay needs to be of a sufficient length of time to satisfy residency requirements
- 👉 Any patient in a mental hospital or facility for the treatment of persons suffering from a mental disorder may register by declaration
 - 📌 can an individual register as an 'ordinary' elector at a mental hospital address?
- 👉 Individual cannot register if 'detained'

Patients in Mental Hospitals

- 👉 Individuals suffering from mental disorders living in the community may only register as normal electors
 - ⚡ need to be 'lucid' on election day to be able to vote
- 👉 Patients in mental hospitals may only vote by way of an absent vote

Remand Prisoners

- 👉 Prisons do not need to be canvassed
- 👉 Need to be held on remand for a sufficient length of time to be able to satisfy residency requirements
 - 📌 can an individual register as an 'ordinary' elector at a prison address?
- 👉 What happens when a remand prisoner is subsequently convicted?
- 👉 Remand prisoners may only vote by way of an absent vote
 - 📌 issue around maintaining the secrecy when voting by post

Homeless Individuals

- 👉 May register for the address or location at which they commonly spend a substantial part of their time
 - 👇 may give the ERO's office address as a postal address
- 👉 To facilitate registration, liaise with homeless professionals
- 👉 Homeless individuals may vote in person
- 👉 Where a registration is made immediately prior to a parliamentary by-election, the applicant is required to make a further statement in support of residency

Declaration of Local Connection Electors

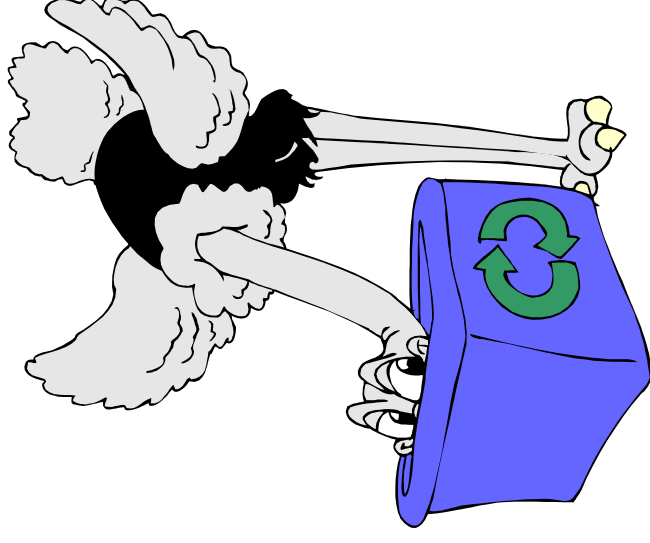
- 👉 Successful applications must be advised in writing
- 👉 If application rejected, must return declaration to elector with a notice setting out the reasons why
- 👉 Patients in Mental Hospitals and Remand Prisoners may register at the institution address, their home address or at an address at which they have resided
 - 📌 if they register at an address at which they have resided, they should be listed under 'Other Electors'
- 👉 Homeless electors should be listed in the 'Other Electors' category of the appropriate register

Anonymous Registration

👉 What will this mean?

👉 When does it come into effect?

👉 What guidance will we receive?



Legislation

- Representation of the People Act 2006 – Part 2 (Section 10) –sets out the basis for application, the safety test and removal of other entries
- Schedule 1 (part 1) makes consequential amendments to Juries Act 1974,(Court copy), RPA 1983 (maintenance of records), Schedule 1 (PER)- (candidates free post) , RPR 2001 (register of electors) & RPA 2000 (absent voting)
- Representation of the People Amendment (No2) Regulations 2006 (process and eligibility for anonymous registration)
- Provisions do not come into force until June 2007

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

Safety Test

- The safety test is satisfied 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 the application needs to be accompanied:

Safety Test

- To satisfy the safety test applications should be accompanied by evidence of a court order or injunction 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.

Register Entry

- If the ERO determines that the applicant is entitled to be registered as an anonymous entry, s/he shall:
 - 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" .

Sample Application

xxxxxxx COUNCIL

APPLICATION FOR ANONYMOUS ENTRY IN THE REGISTER OF ELECTORS

Please read the notes provided before completing this form

1. Applicant's Full Name: (BLOCK CAPITALS PLEASE)	
Address where you are currently registered or applying to be registered: (BLOCK CAPITALS PLEASE)	
Please give reasons for this application:	
Nature of evidence submitted: See Notes	
If the evidence submitted relates to another person in your household, give the full name of that person:	
Address for correspondence (if different from the address stated above):	

Send the completed form to the Electoral Registration Officer at:
[address]

Sample Application

It is a statutory requirement that you sign the following declaration.

I HEREBY DECLARE that the particulars given in this form are true, that, so far as I am aware, the evidence provided is genuine and that, if the evidence provided relates to another person, that other person is resident in my household and that, so far as I am aware, that evidence is genuine.

Signature of applicant:

Date:

This part of the form need only be completed if the evidence provided is in the form of an attestation by a qualifying officer (see Note 4 for the definition of "qualifying officer"). The officer must sign and date the attestation below.

I HEREBY CERTIFY that the safety of the applicant, or of the named person resident in the applicant's household, would be at risk if the register of electors contained the applicant's name or qualifying address.

Signature of qualifying officer:

Occupation of qualifying officer:

Period for which this attestation has effect (must be between 1 and 5 years):

Date signed:

Voting by anonymous persons

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

Removal of Entry

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

Miscellaneous

- 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

European Union Citizens


- 👉 Need to issue of UC1 forms inviting 'K' registration
- 👉 Issues to consider
 - 🔻 issue reminders?
 - 🔻 pre-pay return postage?
 - 🔻 copy applications for onward transmission to LCD?
- 👉 Don't forget monthly applications
- 👉 UC1 without an application to register as an ordinary elector



Further Information

- 👉 Main handout lists statutory references
- 👉 Copy of PowerPoint presentation available
- 👉 Contact either Liz Read or Doug Buttenshaw
 - 👉 contact details in handout

Annual Declarations inc Anonymous Registration



***Thank you
for your time***

ENJOY THE REST OF SEMINAR