



THE ASSOCIATION OF ELECTORAL ADMINISTRATORS

Scotland and Northern Ireland Branch

Response to the Cabinet Office Consultation on the proposal to amend legislation dealing with Anonymous Registration in Scotland.

1. Introduction

This response is on behalf of the AEA and we would like to thank the Cabinet Office for affording us the opportunity to participate in this consultation. The comments given are provided in the knowledge that electoral administrators will be implementing whatever changes are required to enhance the process of registering anonymously.

- 1.1 The Association of Electoral Administrators (AEA) was founded in 1987 and has since established itself as a professional body to represent the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has 1747 members of whom 216 are in the Scotland and Northern Ireland Branch, the majority of whom are employed by local authorities (in Scotland some are employed by valuation joint boards and in Northern Ireland most are employed by the Electoral Office for Northern Ireland) to provide electoral registration and election services.
- 1.2 The AEA encourages and provides education and training in electoral administration, in addition to a range of commercial and professional services.
- 1.3 The key **aims** of the AEA are to:
 - a. contribute positively to electoral reform within the UK;
 - b. foster the advancement of consistent and efficient administration of electoral registration and the conduct of elections in the UK;
 - c. raise the profile of electoral administration both within the UK and internationally;
 - d. enhance and maintain the AEA's reputation as the leading professional body for electoral administrators within the UK.
- 1.4 The AEA supports and advocates two key principles set out by Gould (Independent Review of Scottish Parliament and Local Government Elections, Ron Gould, 2007) in his report on the 2007 elections in Scotland, namely that:
 - all those with a role in organising elections should consider the voters' interests above all other considerations: and

- electoral legislation should not be applied to any election held within 6 months of the new provision coming into force.

Answers /Observations

It is noted that any further legislation which would help bring anonymous applications in Scotland more in line with the current legislation in England & Wales is to be welcomed. On this basis the inclusion of further interdicts would be helpful. However, it appears there may be a problem with the following interdicts;

Matrimonial –Domestic- and Civil Partnerships

In these three cases the granting of the interdict may be more to do with the protection of property rights. They may also relate to abuse, but unlike some of the other interdicts issued in Scotland they may not have the power of arrest attached. It would appear that if these interdicts were issued in relation to abuse they would be ancillary to an exclusion order made under regulation 4 of the Matrimonial Homes (Family Protection) (Scotland)Act 1981, or under an exclusion order under regulation 104 of the Civil Partnership Act 2004. It would appear therefore if the interdict issued makes mention of the Regulation 4 or 104 there should not be a problem in the Electoral Registration Officer identifying it as being a relevant interdict. However, in the case where no mention was made of regulation 4 or 104, this application would then need further proof and would require to be supported by attestation. In these cases this may mean that the Registration Officer would be required to use some degree of interpretation/follow up and as such these applications would not be determined unequivocally, which is the least satisfactory outcome, but in essence no different to the procedure required for some applications made under the present law.

It would be seen as a positive move for Electoral Registration Officers, if the legislation helped to minimise the amount of personal detail a Registration Officer requires to know to make an informed decision. In the interest of both parties the second approach would seem preferable. The people seeking to register under this system have generally had to go through several legal pathways to be granted one of these interdicts. It would be preferable for Registration Officers not to require to know the full details of the granting of one of these orders and not to be required to investigate further into the details of the relationship between the elector and the defendant. Albeit it is accepted that the ERO would still have to satisfy him/herself that there had been a “domestic relationship “between the two parties. The production of proof of this relationship would be the preferred route and keeps the more personal details of the elector which require to be known by the ERO to a minimum.

The clearer the law is on which interdicts are to be included, at face value, the better. That is to say the list of acceptable interdicts which require no further investigation on behalf of the Registration Officer is the best scenario for all involved. If this list then minimised the amount of applications which were accompanied by an interdict not included on the prescribed /accepted list, then this would be another benefit. It

would result in the Registration Officer having the number of applications requiring further investigation at a very small and manageable level.

With the changes to the police force in Scotland taking place imminently, the legislation as stated below , regarding attestations in the Representation of the People (Scotland) Regulations 2001:-

“ 31J(4)(b) A police officer of or above the rank of superintendent of any police force in Scotland;

may require to be adjusted to reflect the reorganisation of Scotland’s police authority.

Finally, the scheme could be made much more accessible by opening up attestation but that has to be measured against any potential risk and unintended consequence of doing so. Other than the potential changes outlined, the scheme would be best to be left as it is.

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