

The Association of Electoral Administrators



Response to the Government Policy Statement dated March 2017

“A democracy that works for everyone: survivors of domestic abuse”

1. INTRODUCTION

- 1.1 The Association of Electoral Administrators (AEA) was founded in 1987 and is the professional body representing the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has some 1,856 members, the majority of whom are employed by local authorities to provide electoral registration and election services.
- 1.2 The AEA welcomes the opportunity to comment on the policy statement issued by the Cabinet Office setting out the Government’s aim of ensuring survivors of domestic abuse can participate in our democracy. The AEA also appreciates being invited to attend the Minister’s round table meeting focussing on “Anonymous Registration” held on 17 October 2016.
- 1.3 The AEA is primarily concerned how any proposed amendments to the law and/or process would impact on electoral registration and the administration of elections and which might arise as a result of the changes proposed for survivors of domestic abuse. Any such changes must be carefully considered in terms of their practical implications and the way in which they would be introduced and administered.
- 1.4 The responses provided in this paper set out the AEA’s initial views and suggestions on the implementation aspects and details of the proposed process. We look forward to working closely with the Government as developments are taken forward.

2. DETAILED CONSIDERATION

2.1 Introduction – Paragraph 1 – **“The Government announced in September 2016 that it would look closely at whether the current system of anonymous electoral registration could be improved to make it easier for survivors of domestic abuse to safely register to vote.”**

Whilst the AEA welcomes the review of anonymous registration for survivors of domestic abuse, we also feel that there should be a review of all groups that could qualify to register under anonymous registration and not just the single group relating to “domestic abuse”.

For example, persons employed in the security services, police officers and prison workers, as well as some witnesses in criminal court cases, could be included as groups for consideration under anonymous registration and should therefore form part of this review. In light of this, we strongly suggest that the Government consider these other groups and the wider issues prior to any permanent legislative changes being made.

2.2 Introduction - Paragraph 2 – **“The UK Government will work with the Scottish Government to agree and implement joint reforms to anonymous registration for all elections in Scotland.”**

The AEA welcomes this approach and fully supports consistency.

2.3 Current system - Paragraph 10 – **“As with all applications to register to vote, the final determination as to the applicant’s eligibility rests with the Electoral Registration Officer (ERO) for the local authority area in which the applicant lives.”**

With the proposal outlined in the policy statement for the expansion to the list of qualified attestors, the question arises as to whether the attestation is to be taken at face value or if the ERO will be required to check that the attestor’s qualification is valid.

If the latter, how will the ERO check the attestor is indeed valid? Will the attestors in the extended list have to be employed within the applicant’s local authority area? If not, how and where will a national list of attestors be held and kept up to date, with easy access for an ERO to check?

The Association of Electoral Administrators



At present, the qualifying officer can be a Superintendent of Police or a Director of Social Services, which makes the checking of validity simpler for the ERO. With the suggested expanded list, it may be difficult to keep an up-to-date list of named personnel as they change for each category of attestors.

Before the policy is changed to expand the list of qualified attestors, serious consideration needs to be given to the availability of updated lists and the ease of access to such lists for EROs for each category of attestor.

2.4 **Proposed system – Expanding the list of qualified attestors – Paragraphs 15-21**

The AEA supports the general principle of ensuring survivors of domestic abuse can participate in our democracy by removing barriers that prevent voters from exercising their democratic right and, at the same time, protecting the safety of survivors of abuse by making it easier for them to register to vote. However, the right balance needs to be struck between allowing them to register with the protection they need but, at the same time, ensuring that there are appropriate measures in place to avoid opening the system to abuse and fraud.

Unlike other registration applications, anonymous applications are not open to full public scrutiny, not being included on the list of applications published on a rolling basis by EROs. It could therefore be viewed by some as a “secret list of electors”.

There is a danger that easier access to anonymous registration by expanding the list of qualified attestors could be perceived as introducing integrity risks to the process. This could have significant implications in relation to marginal seats at an election, which could lead to a lack of confidence in results and ultimately an increase in election petitions.

Paragraph 7 which outlines the current system states “... *It was not intended to be available to those who simply wanted to keep their name and address private. Consequently, the threshold for anonymous registration was set at quite a high level.*”

As outlined above there needs to be the correct balance to allow people to register anonymously and to ensure that the system is not open to abuse.

The Association of Electoral Administrators



Paragraph 15 outlines the proposal to allow *"an attestation from a police officer of the rank of Inspector and above, or from a social worker. This change in seniority would expand the list of qualified attestors, creating roughly seven times the number of potential police attestations than there are at present. It would also greatly increase the number of potential social services attestors...."*

The AEA is of the opinion that the proposed changes outlined in paragraph 15 are at the correct level to allow increased access to register without the system being open to abuse, as well as remaining manageable. However, consideration needs to be given as to whether the attestor must be employed within the local authority area in which the applicant wants to register.

Additionally, to extend the list of qualified attestors to include those listed in paragraph 16 such as health professionals, domestic abuse refuge managers, domestic abuse advocates and multi-agency risk assessment conference chairs will need to be carefully considered and closely prescribed in order to ensure that the system remains manageable and not open to abuse.

If the requirement is for EROs to check the validity of attestors, they will need easy access to up-to-date lists to check they are duly authorised to make such an attestation.

However, if there is no such requirement and the decision is to allow all those listed in paragraph 16 to be attestors without access to up-to-date lists (nationally or locally), EROs will be required to accept attestations on face value. There would therefore need to be an acceptance that the system could be open to abuse, with the possibility of fraudulent applications being made.

2.5 **"Proposed system – Expanding the list of documentary evidence – Paragraph 23 – "In England and Wales, the Government intends to update the legislation to allow applicants for anonymous registration to use the following orders to show a risk to their safety:**

- **Domestic violence protection notices (DVPNs) and domestic violence protection orders (DVPOs); and**
- **Female Genital Mutilation (FGM) protection orders."**

The Association of Electoral Administrators



The AEA supports the above proposal as the orders are clearly a statement of fact and are less likely to be open to abuse. They can also be easily presented to the ERO at the time of application.

However, in order to assist EROs, we recommend that guidance is developed that includes samples of each type of order, so that EROs are aware of what they look like, and contact details in case of a query relating to the legitimacy of a specific order.

2.6 **“Proposed system – Expanding the list of documentary evidence – Paragraph 26 – “Potential additions to an expanded list of documentary evidence which the Government is considering include:**

- **Relevant unspent court convictions for a domestic abuse-related offence;**
- **Criminal proceedings or evidence of bail for a domestic abuse-related offence;**
- **Court undertakings relating to domestic abuse;**
- **Court findings of fact that domestic abuse has taken place;**
- **Relevant police cautions for domestic abuse;**
- **Evidence that someone has been granted indefinite leave to remain in the UK as a victim of domestic violence; and**
- **Evidence that someone has been granted legal aid in private family proceedings on domestic violence grounds.”**

For the same reasons outlined in paragraph 2.5, the AEA supports the inclusion of the above documents in the list of documentary evidence and makes the same recommendation as regards guidance and contact details.

2.7 **Changing the requirement that court orders used as evidence must be live – Paragraph 30 – “Alternatively, the Government could remove the requirement for an order or injunction to be in force when it is used as evidence and replace it with a time limit on the use of spent orders or injunctions. Depending on the time limit set, this could allow survivors of historical abuse who still fear for their safety to register anonymously but also make sure that applicants for anonymous registration could not continue to register anonymously indefinitely when the need to do so had expired.”**

The Association of Electoral Administrators



The AEA has some concerns in relation to this proposal as the court order or injunction is currently used as part of the identification process to support an application to register at a specific address. In many instances, the address is likely to be temporary so, if a time limit is set for the use of spent orders or injunctions, the likelihood is that the applicant will no longer live at the address stated on the order or injunction at the time of applying to register. Careful thought will therefore be needed to ensure that EROs are able to register applicants at the correct address on the register.

- 2.8 **Extending the duration of an anonymous entry on the register – Paragraph 31 – “At present, an anonymous entry on the register is terminated 12 months after it first takes effect. Those whose safety remains at risk can reapply annually, but the same level of evidence is required each time. The Government is continuing to investigate whether this requirement can be modified to reduce the burden on victims of domestic abuse of yearly renewals and hopes to come forward with proposals in due course...”**

At present, special category electors such as overseas electors renew annually without all the stages of an initial application regarding supporting evidence. This is because their registration address in the UK is unchanged.

There is no reason that, if the court order or injunction was still live and there was no change in relation to the applicant’s address, then an annual renewal could be considered without the supporting evidence as it has already been submitted. The benefit of annual renewal is linked to ensuring accuracy of the register. Extending the period for renewal brings with it obvious risks that an anonymous registrant’s entry will become inaccurate during its period of validity.

In addition, if the anonymous registration review considered other groups as indicated in paragraph 2.1 above, their home address will be a more permanent residence. Consideration of an annual renewal without the supporting evidence each year could be used along with a signed declaration by the applicant confirming their details, including that their home address was correct, and their original qualification was still applicable.

3. FEEDBACK – specific questions in the consultation paper – Paragraph 32

3.1 Should health professionals be added to the list of qualified attestors? If so, which health professionals should be added to the list?

The AEA considers that professionals in the sector should determine whether this proposal is appropriate, but we would also refer you to the comments made at paragraph 2.4.

3.2 Should domestic abuse refuge managers be added to the list of qualified attestors? If so, should there be a direct connection between an applicant and that refuge?

The AEA considers that professionals in the sector should determine whether this proposal is appropriate, but we would also refer you to the comments made at paragraph 2.4. In addition, if the Government's decision is to allow domestic abuse refuge managers to be added to the list of attestors, we consider that there should be a connection between an applicant and that refuge.

3.3 How should domestic abuse refuges be defined in order to capture all appropriate organisations?

The AEA considers that professionals in the sector are best placed to determine how domestic abuse refuges should be defined. However, it is essential that such determinations are identified in such a manner as to be obvious and clear to EROs when considering attestations.

3.4 Should the requirement that court orders used as evidence must be live at the time of application be removed and, if so, should it be replaced with a time limit on the use of spent court orders?

See paragraph 2.7 above.

The Association of Electoral Administrators



4. CONCLUSION

- 4.1 When considering timescales for the implementation of any changes, we recommend that they be introduced in advance of the annual canvass for the register of electors, when most anonymous registration applications are likely to be commenced.
- 4.2 The AEA looks forward to working with the Government, the Electoral Commission and other key stakeholders in identifying other anonymous registration groups and addressing the issues that arise as the policy is further developed.
- 4.3 In addition, the AEA would welcome the opportunity to meet with appropriate officials from the Cabinet Office to discuss the processing and practical implications relating to the proposed changes to anonymous registration following the review as part of the process leading to the drafting of legislation.

John Turner

Chief Executive

24 April 2017