



Northern  
Ireland  
Office

## CONSULTATION RESPONSE

Anonymous registration:  
protecting voters at risk in  
Northern Ireland

February 2014

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## 1. INTRODUCTION

1.1.1. In its 2003 report, *Voting for Change*, the Electoral Commission recommended that anonymous registration be made available to any elector able to demonstrate that a genuine threat to their safety would arise should their personal details be publicly accessible.

1.1.2 Anonymous registration was introduced in Great Britain in 2007 but was not extended to Northern Ireland at that time. Instead, section 1 of the Northern Ireland (Miscellaneous Provisions) Act 2006 gave the Secretary of State the power to make equivalent provision for Northern Ireland by Order in Council under section 84 of the Northern Ireland Act 1998.

1.1.3 In February 2008, the Northern Ireland Office undertook a public consultation on proposals to extend anonymous registration to Northern Ireland (Anonymous Registration: Protecting Voters at Risk in Northern Ireland). A consultation response was issued in February 2009, but legislation was not enacted before the 2010 general election.

1.1.4 In view of the delay between the consultation and legislation being prepared, the Northern Ireland Office undertook a further consultation on draft legislation on anonymous registration in September 2013.

1.1.5 You can obtain copies of this report and the 2013 consultation document from [www.gov.uk/nio](http://www.gov.uk/nio). Alternatively you can contact:

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1.1.6 The responses to the consultation have assisted us in ensuring that the proposed legislation on anonymous registration is fit for purpose and takes into account the interests of electors who will use the anonymous registration

system, electoral administrators, political parties and professional bodies in Northern Ireland which will be involved in implementation of the system. We are grateful to all those who provided a response.

## **2. BACKGROUND**

2.1.1 The full electoral register lists the name and address of everyone who is entitled to vote. The main use of the full register is for elections and referendums, though it can be used for other purposes such as the prevention and detection of crime, eligibility for jury service, and for checking identity when applying for credit. It may also be seen, under supervision, by any member of the public (and therefore partially copied by means of handwritten notes).

2.1.2 The edited register leaves out the names and addresses of people who have asked for these details to be excluded. The edited register can be purchased by any individual or organisation which asks for a copy, and can be used for any purpose.

2.1.3 The Government recognises that simply withholding information from the edited electoral register may not provide a sufficient safeguard for particularly vulnerable persons, because any member of the public is able to access the full register. Anonymous registration ensures that the personal details of individuals who are at risk do not appear on the full register, allowing these individuals to register in safety.

2.1.4 The Government's 2013 consultation (Anonymous Registration: Protecting Voters at Risk in Northern Ireland: Draft Legislation) set out in detail the system of anonymous registration proposed for Northern Ireland.

2.1.5 Key features of the proposed system were:

- Anonymous registration would be made available only to those at genuine risk. The criteria for an anonymous entry would mirror the Great Britain provision and would not include blanket exemptions for particular categories of person.

- The Northern Ireland system would recognise court orders and injunctions from across the UK as sufficient to establish that a person's safety was at risk.
- The list of qualified attestors would be consistent with those qualified to attest applications elsewhere in the UK.
- Persons registered anonymously would not be able to subscribe nomination papers or stand as a candidate in an election.
- Persons registered anonymously would be able to donate to political parties (or engage in regulated transactions with a political party) anonymously, if they exhibited their certificate of anonymous registration as evidence when entering into such transactions.
- Persons registered anonymously would remain eligible for jury service, but an additional duty would be placed on courts staff to protect the personal details of individuals with an anonymous entry on the electoral register.
- Information would only be shared by the Chief Electoral Officer with the Courts Service for jury selection purposes or when requested by an officer of appropriate rank for the purposes of crime prevention or national security.

2.1.6 It was also proposed that the system differ from the system in place in Great Britain in a small number of areas:

- The duration of registration would be longer than in Great Britain, with attestations covering a maximum of five years and court orders supporting registration for the period of a particular order up to a maximum of five years.
- Those with an anonymous entry would be automatically eligible for a postal vote and would be unable to vote in person. This was to avoid persons with an anonymous entry being questioned openly about their personal details at the polling station.

### 3. ISSUES RAISED

#### 3.1 Attestation

3.1.1 A number of respondents suggested that the list of individuals able to attest applications for anonymous registration was not sufficiently comprehensive and that this might prevent those in need of an attestation from obtaining one.

3.1.2 It was suggested that those able to attest applications should be less senior than specified in the draft legislation, or that the list should include a wider range of professional groups. For example, the Women's Aid Federation of Northern Ireland suggested that the list should include professionals who have direct contact with victims of domestic violence, such as GPs, domestic abuse officers of the Police Service of Northern Ireland (PSNI) or women's aid support workers. The Electoral Commission also suggested that consideration should be given to increasing the range of eligible senior professionals, for example by incorporating assistant directors of social work, as well as directors.

3.1.3 On the other hand, some respondents stressed that it was important to ensure that the threshold for anonymity was set appropriately high. For example, the Alliance Party commented that whilst it was crucial not to discourage those who have a genuine need for anonymity, it was important that the system was not abused. Some respondents also stressed the importance of maintaining consistency with the anonymous registration scheme in Great Britain where possible.

**3.1.4 The Government recognises that there is a balance to be struck between ensuring that all genuinely vulnerable individuals are eligible for an anonymous entry and ensuring that the threshold for anonymity is set appropriately high. Attestation that a person is at risk for the purpose of anonymous registration should not be made unless there is a genuine and credible risk to the individual concerned.**

**3.1.5 The Government also recognises that there is a risk that the numbers of people registered anonymously in Northern Ireland may be higher than the numbers in Great Britain. This may be unavoidable, given the different security situation in Northern Ireland at present. To avoid any perception that a different standard might apply in Northern Ireland, it is important that attestation in Northern Ireland is, and is seen to be, no less rigorous than in Great Britain. The Government therefore remains of the view that only those persons who are eligible to attest applications in relation to Great Britain should be eligible to attest applications in relation to Northern Ireland.**

**3.1.6 It should not be necessary for an individual to meet a Director of Social Work or a PSNI inspector in person in order to receive an attestation. The Government would expect applications to be received and considered at a lower level within the organisation (for example by a social worker or a PSNI domestic abuse officer) before a recommendation is made to the attestor.**

**3.1.7 We have consulted the Department of Health, Social Services and Public Safety in relation to the seniority of the social workers who are eligible to attest applications for anonymous registration. They have indicated that they are content with the level of seniority currently proposed, which is consistent with England, Wales and Scotland. The seniority of police officers required to attest applications in Northern Ireland had already been changed in response to comments from the PSNI on the 2009 public consultation.**



## **3.2 Length of entitlement to anonymous registration**

3.2.1 The draft legislation proposed by the Government set the length of entitlement to anonymous registration at a maximum of five years, after which an individual would have to re-apply. This is different from Great Britain, where applications for anonymous registration must be re-submitted annually.

3.2.2 Responses to the consultation were divided on whether the period proposed by the Government was too short or too long. Some organisations argued that the annual application process for anonymous registration in Great Britain reflected the annual electoral canvass. As Northern Ireland does not have an annual canvass, they suggested that it would be appropriate for the entitlement to anonymous registration to last as long as an entry can be retained on the electoral register.

3.2.3 While no respondent suggested that applicants for anonymous registration in Northern Ireland should have to apply annually, as in Great Britain, some expressed concern that the period proposed was longer than in Great Britain and suggested alternative time periods or asked for further justification as to the choice of five years. For example, the Electoral Commission argued that the period set should be consistent with other special registration entitlements, such as the entitlement to register as a service voter.

**3.2.4 In Northern Ireland there are two differences which are relevant to the maximum time period for which a person is entitled to an anonymous entry without a further application. Firstly, as a result of continuous registration an individual remains on the electoral register unless their details are identified as inaccurate or their entry is removed following a canvass. The majority of the electorate do not therefore re-register on an annual basis.**

**3.2.5 Secondly, the number of individuals requesting attestations from the security services, particularly the Police Service of Northern Ireland (PSNI), is expected to be significantly higher in Northern Ireland as a proportion of the population than in Great Britain. A new attestation**

must be carefully considered in respect of every new application for anonymous registration, to reflect the fact that an individual's circumstances may change. It is likely that many electors who have an anonymous entry will reapply, seeking a further attestation in support of their application. We need to take into account the likely resource costs for the PSNI and other attestors in setting the overall time limit.

**3.2.6** The Government shares the Electoral Commission's view that the time limits imposed on entitlements for registration in other special categories, such as service voters, are a good starting point for consideration of the appropriate time limit for anonymous registration entitlements. Since the Government first consulted on anonymous registration in Northern Ireland, the limit for service voter registration has been increased to five years across the UK<sup>1</sup>.

**3.2.7** To ensure that any changes in a person's circumstances during the five year period can be taken into account, the Government has provided for review of the entitlement to an anonymous entry by the registration officer<sup>2</sup>. This power of review, which is not available in Great Britain, is intended to ensure that persons in Northern Ireland will not retain an anonymous entry if the safety test is no longer satisfied.

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<sup>1</sup> The Service Voters' Registration Period Order 2010

<sup>2</sup> New section 9B(1B)(b), Representation of the People Act 1983 and new regulation 38E, Representation of the People (Northern Ireland) Regulations 2008

### **3.3 Equality impacts**

3.3.1 The Alliance Party raised concerns about the possible impact on the representation of women in political life as a result of the bar on individuals with an anonymous entry on the electoral register standing as candidates in elections, on the basis that those granted court orders which are recognised for anonymous registration purposes are likely to be disproportionately women. They argued that it was possible that someone would wish to protect their home address for security reasons but still be willing to enter public life. They suggested that a more appropriate method of safeguarding these individuals might be to ensure that the rules across all elections respected the need to protect candidates' addresses, for example by referencing the office address of an Electoral Agent, rather than the home address of a candidate.

**3.3.2 The Government recognises that there are elected representatives in Northern Ireland who put themselves at risk by their decision to stand in elections. We also recognise that it is possible that victims of domestic violence, or other beneficiaries of the court orders listed for the purposes of anonymous registration may wish to stand for election. However, additional protection for these individuals cannot be provided within the framework of the anonymous registration system. Candidates for election are public figures and it is important that their names are known to the general public.**

#### ***Safeguarding addresses***

**3.3.3 In relation to the suggestion that the anonymous registration system should protect only the address of a candidate in an election, we consider that, in light of the public nature of candidacy and the existing measures available, the protection of a candidate's address through an anonymous entry would not offer the candidate significant additional protection. A candidate at any election in Northern Ireland will attend local meetings and media events, many of which must be advertised well in advance. Their address and their whereabouts will often be a matter of public knowledge and they are likely to be recognised by those**

living in their local area and, in some cases, across Northern Ireland. Where information about a candidate's whereabouts is readily available, withholding their home address from the full electoral register will not significantly reduce the risk to them.

**3.3.4** There are some existing measures which reduce general risks to candidates. The full register is not widely available. While it can be inspected by the public, it can be reproduced only by means of handwritten notes. This means that some effort is required to identify an address from the full register. It is also possible for candidates for elected office to exclude their names from the edited register (the commercially available register).

**3.3.5** In UK Parliamentary and Northern Ireland Assembly elections, it is also possible for candidates to choose not to list their home address on the ballot paper or in the statement of persons nominated. However, persons eligible to attend nominations (such as other candidates and their agents) can still inspect the form containing the candidate's home address. There is no similar provision for European or local elections allowing a candidate to avoid publication of their home address. This is because there are residency qualifications for these elections, which make a candidate's address directly relevant to their candidature and give the public a legitimate interest in it. For example, to stand in a local election, a candidate must be able to show that they are on the electoral register, or have lived or worked in the council district for the 12 months prior to the election. Similarly European candidates standing in European Parliamentary elections must be able to demonstrate that they are resident in the UK, not their country of nationality.

**3.3.6** We will consider whether changes similar to those made for Parliamentary and Assembly elections should be made for other elections in Northern Ireland, but we do not consider that any such change should be made as part of the system of anonymous registration.

***Impact on the representation of women in public life***

**3.3.7 The anonymous registration provisions relating to candidature in elections have been in force since 2007 in Great Britain and have not led to any concerns being raised about the impact of the legislation on the representation of women in public life.**

**3.3.8 In the context of domestic injunctions and orders, protection might be disproportionately required by women. However, it is the Government's view that this is permissible in order to offer protection to vulnerable individuals. In any event, in Northern Ireland anonymous registration is not likely to be used primarily by that category of person. Individuals who are subject to particular threats, in light of the security situation, are likely to form the largest beneficiary group. These individuals are less likely to be disproportionately of one or other gender.**

### **3.4 Status of Irish court orders**

3.4.1 In its response the Electoral Commission suggested that Irish court orders equivalent to those listed for the UK should be accepted by the Chief Electoral Officer for Northern Ireland as evidence in support of an application for anonymous registration. In the absence of legislation to recognise orders from the Republic of Ireland, guidance should be issued to the Chief Electoral Officer on which Irish court orders he could accept.

**3.4.2 The Government has considered this matter carefully. It is very unusual to reference legislation from outside the UK in domestic legislation. Non-UK legislation is generally referenced when an Act in Parliament specifically authorises such a reference. This is because a reference to a provision in non-UK legislation effectively removes Parliament's ability to scrutinise changes to the law.**

**3.4.3 However, the Government recognises that some persons at risk in Northern Ireland are likely to be the beneficiaries of an Irish court order. We will therefore make clear in guidance for those making attestations that they should make an attestation if an applicant holds a court order or injunction, similar to those listed in the Order, from Ireland or any other EU member state. In view of the high likelihood of an individual in Northern Ireland holding an injunction or similar order issued in Ireland, we will work with the Irish Government to develop a specific list of Irish court orders and injunctions similar in scope to those included in the legislation, for inclusion in guidance to attestors.**

### **3.5 Transparency of donations to political parties**

3.5.1 The Alliance Party expressed concern that individuals with an anonymous entry on the electoral register would also be able to make political donations anonymously. The party suggested the legislation could therefore have a negative impact on progress towards ending donor anonymity in Northern Ireland. Risks to personal safety should not automatically be given primacy over the public right of scrutiny or the principles of openness, transparency and accountability. The party also argued that the threshold for large donations being published would be a reasonable point of balance between the rights of the individual to participate and the right of the public to know how parties are funded.

**3.5.2 The Government will make some amendments to the donations and loans regime in Northern Ireland as part of the system of anonymous registration. However, the changes are made to replicate measures in force in Great Britain and are therefore consistent with the Government's overall aim of bringing the donations and loans regime in Northern Ireland into line with Great Britain as soon as the security situation allows.**

**3.5.3 Under the proposed changes, the name and address of anyone who qualifies for anonymous registration will not appear on a report submitted to the Electoral Commission about a donation or loan to a political party or regulated donee or participant. Instead, the person's number on the electoral register will be submitted in the report, to confirm that they are eligible to make a donation or loan. This will have no immediate impact in Northern Ireland, because reports of this kind are not published by the Electoral Commission at present. However, if reports are published in future which include references to the identities of donors and lenders, this would mean that some identities would not be revealed.**

**3.5.4 It is important to note that this is also the case in Great Britain. While in Great Britain donations and loans reports are published, individuals who have been found to be at particular risk, whether by the courts or by a person able to attest an application for anonymous registration (e.g. a senior police officer), are entitled to be listed by number and not by name in those reports.**

**3.5.5 It is arguable that introducing a system which protects the names of those whose specific circumstances have been examined and who have been found by the courts or a senior qualified professional to be at particular risk will, in time, facilitate the removal of the blanket ban on publication of the identities of donors and lenders in Northern Ireland. At present, the Government must consider the risk to any individual when making a decision on the publication of information which might reveal the identity of a person who made a donation or a loan. Anonymous registration might allow those who are at particular risk to be protected if all other donations and loans information were released.**



## **4. OTHER CHANGES MADE**

### **4.1 Postal and postal proxy poll cards**

4.1.1 All anonymously registered electors (and their proxies, where applicable) will vote by post in Northern Ireland. During the process of preparing legislation on anonymous registration it became apparent that it would be easier to implement changes required to poll cards for anonymous registration if there were a postal poll card in use in Northern Ireland, as is the case in Great Britain. This would mean the poll card received by the majority of electors in Northern Ireland would remain unchanged. The draft legislation which was published therefore included reference to a postal poll card.

4.1.2 The Government consulted the Electoral Commission on the content of the proposed postal and postal proxy poll card, which was based on the card used in Great Britain. The Electoral Commission's response noted that the Government was in the process of revising prescribed forms, including poll cards, for all elections and advised that this new style be replicated in the legislation.

**4.1.3 The Government agrees that prescribed electoral forms in Northern Ireland, including the proposed postal and postal proxy poll cards, should be consistent with those in Great Britain, wherever possible. The Government intends to consult on general changes to the prescribed forms in Northern Ireland which are consistent with proposed changes in Great Britain.**

**4.1.4 However, we do not wish to finalise new forms without having considered carefully the views of electors in Northern Ireland during that consultation. Nor do we wish to delay the introduction of anonymous registration until changes to forms are finalised. While it is unlikely that the majority of individuals will see the older style of postal poll card, because no election is planned following introduction of anonymous registration until May 2015, it is nevertheless important that appropriate**

**forms are included in legislation, in case an election is called at short notice or a by-election is held.**

**4.1.5 The Government will therefore use the older style of poll card for the purposes of anonymous registration legislation, but will consider amendments to the format of the cards, together with a range of other electoral forms, as part of a wider consultation, following the review of forms in Great Britain.**

## **4.2 Timing of introduction**

4.2.1 During the consultation period the Government also discussed the appropriate timing of introduction of anonymous registration with a number of stakeholders. The date of 10 June 2014, set out in the draft legislation, was chosen because this was the date on which significant changes were due to be made to electoral registration in Great Britain. These changes do not impact on Northern Ireland and the Government therefore considered whether the 10 June 2014 timing was appropriate or whether a different date should be used for the introduction of anonymous registration in Northern Ireland.

4.2.2 There was some concern, for example from the Chief Electoral Officer for Northern Ireland, about whether the introduction of such a change immediately in advance of the holiday period in Northern Ireland would be most likely to ensure its smooth introduction. Organisations across Northern Ireland have more staff on annual leave during July and August and the absence of staff, who might ordinarily be directly responsible for handling requests linked to anonymous registration, could cause some confusion about how requests for attestation and registration should be dealt with.

**4.2.3 The Government has therefore decided that anonymous registration should come into force after the summer holiday period, from 15 September 2014.**

**LIST OF RESPONDENTS TO THE CONSULTATION**

**The Alliance Party of Northern Ireland (Naomi Long MP)**

**The Minister of Justice**

**The Minister of Health, Social Services and Public Safety**

**The Department of Health, Social Services and Public Safety**

**The Electoral Commission**

**The Northern Ireland Courts and Tribunal Service**

**The Women's Aid Federation Northern Ireland**