

Electoral registration in Great Britain

To vote in an election in the United Kingdom it is necessary to be included on an electoral register. This factsheet examines the current registration process including recent changes.

Legal requirements

The Representation of the People Act 1983 requires electoral registration officers (EROs) to prepare and publish a register of electors for their area each year. It is their statutory duty to include the names of everyone who appears to them to be eligible taking reasonable steps to obtain the required information. A canvass form is sent to each household in the UK every autumn for completion and return by the householder. The form asks for the details of all those eligible to vote (or eligible to vote in the near future) who are resident on 15 October. If an ERO considers someone is entitled to be registered as an elector, they have no discretion to omit that person's name from the register.

Although registration is not in itself compulsory, an ERO has the power to require information for the purposes of maintaining the register of electors. A penalty for failing to complete and return the electoral registration form or for giving false information was first imposed in 1918. The current penalty for this offence is a fine not exceeding £1,000.

Electors have the right not to vote if they so choose.

Access to the register

The electoral register is, by law, a public document. It is available for inspection to allow members of the public and political parties to check to ensure that all eligible names have been included and that the names of

ineligible people have not. This is considered to be an important safeguard against the potential for abuse of the electoral system.

Until 2002, any company, organisation or person could buy a copy of the register. The law has now changed so that electors have some choice about who can buy details of their name and address. Under the changes there will be two versions of the register produced from the 2002 canvass onwards: the full version and the edited version.

The full register can be inspected, but copies can only be supplied for certain purposes, such as elections, law enforcement and to credit reference agencies for credit checks. It is not possible for any elector to have their details omitted from this register. *The edited register* will be available for general sale and can be used for any purpose. Electors are able to choose not to have their details included in the edited register by marking a box on the annual canvass form, or on the rolling registration form.

Under the Juries Act 1974 a separate version of the register is produced from which jurors are selected. The dates of birth of those 69-70 years old and over are marked in order to exclude them from jury service.

Overseas voters

Since 1985, British citizens resident abroad have been permitted to register and vote at parliamentary and European parliamentary

elections. Applications to register in the constituency where electors were last registered before they left the United Kingdom must be renewed annually. EROs send all registered overseas voters a reminder to make a fresh declaration to be included on the register for the following year. Voters can register for up to 15 years after they last lived in the UK. Initial applications by overseas voters, Crown servants and British Council employees must be witnessed (attested) by a British passport holder.

Service voters

Arrangements for the electoral registration of members of the armed forces were introduced in 1918 to ensure that servicemen in scattered locations did not lose their right to vote. Members of the armed forces and their families can now register at their home address as ordinary electors or by making an annual service declaration.

Double registration

A person's name may appear on the electoral register only if they reside at an address within the electoral area. Residence is not defined in law, but it has been held by the courts to entail a 'considerable degree of permanence'. For example, a student who has a permanent home address and a term-time address, and spends about the same amount of time in each, can be registered lawfully at both addresses. It is for the local ERO to decide in the light of the relevant circumstances, whether a person may be said to be resident at a particular address.

Although a person may appear on two or more electoral registers it is an offence to vote twice, either in the same parliamentary general election or in the same local council election. It is, however, legal to vote in elections for two different local councils. Any offence, if detected and successfully prosecuted, could result in a fine of up to £5,000.

Declarations of local connection

The Representation of the People Act 2000 introduced a new facility to

allow certain people to make a 'declaration of local connection' i.e. a statement that they have a significant link with a locality.

Previous electoral legislation did not prevent the homeless, remand prisoners or those in mental institutions (other than the criminally insane) from registering, but the requirement to establish residence on a qualifying date effectively did. The 2000 Act empowers EROs to register applicants by accepting a declaration providing a contact address e.g. that of the institution in which remand prisoners or mental patients are resident, or the address at which they were or would otherwise be living. The homeless can register at the address of a place they have spent a substantial part of their time during the previous three months.

Rolling Registration

The Representation of the People Act 2000 introduced voluntary 'rolling' electoral registration to enable people to be added to (and deleted from) the electoral register at any time of the year rather than on a single date. These arrangements enable those qualified to be registered to contact their local ERO after the annual publication date of the electoral register (1 December from 2001 onwards) seeking registration at their residential address at that time. Provided the ERO receives such applications by about the middle of a month, applicants' names should be added to the register on the first working day of the following month. The only exception to this is between September and November each year when the ERO carries out the comprehensive canvass upon which is based the new revised register published on 1 December.

Conclusion

The Electoral Commission sees registration as the lynchpin of the electoral system. Improvements to registration could have far wider benefits across the electoral process. In its report *Election 2001: The Official Results* the Commission comments, 'There is a need to identify ways in which signing up to vote can become more accessible

and more automated. We intend to examine (a) how best to develop an integrated national and local strategy for registering, (b) the scope for moving the deadlines for registration prior to an election closer to polling day to maximise the numbers eligible to vote and (c) the potential benefits of creating a national electronic register.' The Commission is currently leading a review of registration law and practice and a consultation paper will be published later in 2002.

Publications

Electoral Law and Administration, Fourth Report (1998) Home Affairs Select Committee.
Election 2001: The Official Results (2001) The Electoral Commission.
Electoral Registers – Access, Supply and Sale (June 2002), The Electoral Commission, www.electoralcommission.org.uk/registerresponse.htm

Contacts

Association of Electoral Administrators (AEA), www.aea-elections.co.uk
Tel: 0151 281 8246
Information Commissioner, www.dataprotection.gov.uk
Office of Fair Trading (register credit reference agencies), www.offt.gov.uk/default.htm

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