

Missing Millions Roundtable into Individual Voter Registration (IER)

October 2011

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Foreword

The Electoral Reform Society is working with the UK Government, Parliament, all political parties, electoral registration officers and civil society to help ensure the Cabinet Office's emerging plans for Individual Electoral Registration are effectively and fairly drafted and implemented.

To inform our ongoing dialogue with the UK Government, the Electoral Reform Society convened a roundtable with electoral registration officers working 'at the coalface' together with parliamentarians, civil society groups, relevant statutory bodies and academics to examine the strengths and weaknesses of Cabinet Office's existing plans.

It is from this base of expertise and experience that the Electoral Reform Society has generated a set of tests by which the final legislation will be judged a success.

The Electoral Reform Society shares the UK Government's analysis that our political system is broken and we welcome the introduction of Individual Electoral Registration as an important step towards repairing our politics. However, as outlined in this paper, the Electoral Reform Society shares the views of electoral registration officers and others that existing plans have failed to sufficiently guard against a drop in the completeness of the register, and that in particular, traditionally disadvantaged groups within society risk further exclusion from the political process.

The Electoral Reform Society is grateful for the contribution made by participants who attended the roundtable, a full list of which can be found on page 15.

We look forward to working with the

Government, parliament, civil society and others to help ensure the final legislation improves the accuracy and completeness of the register.



Katie Ghose
Roundtable Chair & Chief Executive,
Electoral Reform Society

Acknowledgements

The Electoral Reform Society welcomes the invaluable contributions made by all the participants who attended our roundtable event on Tuesday 18 October 2011 in the House of Commons.

The Society is particularly grateful to Lewis Baston, Chris Ruane MP and Michael Summerville who gave presentations.

A full list of participants can be found on page 19

Discussion and findings

Introduction

Welcoming participants, Katie Ghose, Chief Executive of the Electoral Reform Society and chair of the meeting outlined why getting Individual Electoral Registration right was of fundamental importance to the wider democratic process, in particular for those individuals and groups who are traditionally excluded. Katie outlined the meeting purpose as follows:

- to help deepen and broaden understanding of the key issues
- to facilitate an exchange of views and perspectives and to suggest improvements and capture these into a report that can be disseminated more widely
- to plan how we can work together over the next few months to get the best possible outcome

An Electoral Registration Officer's Perspective

"We have spent years building up the register. We're concerned that all that work will be undone. We could be looking at a 20-30,000 drop from a register of 165,000."

Michael Summerville's presentation focused on five points based on his experience of working in an inner-city London borough. Michael:

1. Expressed concern that progress made in previous years improving the completeness of

the register could be reversed by the current proposals

2. Outlined the difficulty in ascertaining the potential drop off in numbers of voters registered but estimated a 20,000-30,000 drop off from a register of 165,000 in his borough
3. Questioned whether people would feel encouraged to undertake more direct forms of action rather than using the ballot box if they feel their vote has been denied them
4. Questioned the impact on young people and the important role many parents currently play in registering their children
5. Expressed concern regarding 11 day registration and the huge challenge should there be no rolling registration process (with people not being encouraged to register throughout the year)

Michael also cited resources as a huge issue for all local authorities and one that could determine the success or otherwise of the proposed changes. Scepticism was expressed as to whether appropriate resources would be made available to make IER work, given cuts in public spending. Michael added that IER will prove a "huge challenge" for authorities such as his which faces not only cuts of £65 million but also combined European and local elections in 2014.

"I don't see how we'll have the time to prepare for IER on the back of the 2014 Elections. We're already losing resources."

Serious concern was expressed regarding the timing in light of the combined elections in June 2014 for the European parliament and

local elections (both borough and mayoral) as well as a likely General Election in 2015; and whether current plans for the implementation of IER will prevent all forms of fraud.

Lewis Baston, Senior Research Fellow, Democratic Audit

Opening, Lewis highlighted the consensus that existed amongst political parties in favour of IER and consequently the need to ensure the effectiveness of the new system.

Lewis discussed the Northern Ireland IER example which, he said, saw a “big initial drop and considerable year to year instability”.

Expressing concern regarding the opt-out, Lewis explained why he thinks that opting out as a matter of personal choice that “only affects you” is misguided, citing evading jury service and affecting the size and shape of the constituencies as two examples where ‘personal choice’ had a wider social impact. Lewis voiced concern that parliamentary boundaries will be drawn on the electoral register, describing it as “utterly frightening”. Lewis outlined further concerns that if after 2015 the register is purged of the last household canvass this will make the next boundary review taking place in 2016-2018 incomplete.

Other areas of concern included:

- The data matching pilots that would be going on at the same time as Parliament considers the legislation (providing no “get out” or Plan B)

- The potential contradiction of a compulsory canvass but a voluntary invitation to register
- The powers granted to ministers to abolish the canvass by statutory instrument under the current draft legislation
- The Electoral Commission’s estimate of a potentially 65% complete register and the consequential impact on boundaries

Finally Lewis noted that the idea that political parties will pick up some of the slack on voter registration is worrying, not least of all for their limited capacity to do so. This compounded with severe local authority cuts, makes this a project that carries a lot of concerns.

Chris Ruane MP (Vale of Clwyd)

“The people who are going to be left off are poor, black and ethnic, and living in privately rented and social housing. We’re going to return to electoral registration rates like Alabama in the 1950s.”

Chris outlined the background to his parliamentary work on the issue of completeness, and remarked that historically many constitutional reform issues have been handled over time in a genuinely cross party way, expressing the view that this time the approach feels rushed.

Chris detailed his concerns the current proposals would have on the completeness of the register. Moving the start of IER from 2015 to 2014; the insertion of the opt-out box on the form; and the dropping of the threat of a

£1,000 penalty and his concern that a severely depleted register has major implications for the next boundary review. Chris concurred with the Electoral Commission's estimate of the potential drop-off from the current average of 92% registration to around 60-65% and that this fall will predominantly affect poorer, black or ethnic minority individuals and those in social rented housing.

Allied to Chris' concerns regarding the removal of the threat of a financial penalty, he outlined his opposition to the proposed opt-out, which he felt reflected a shift from civic duty to "lifestyle choice". Chris cited the example of Rhyl West, the most deprived ward in Wales, in his Vale of Clwyd constituency. The ward includes some of the most difficult to reach people and yet in one year (2007) the local authority was able to increase registration rates from 2,500 – 3,500. This was managed by a rigorous approach and the threat of the £1,000 fine.

Concluding, Chris illustrated the enormity and fundamental importance of the issues, suggesting that the level of awareness within parliament and amongst wider society was still low. Chris argued that if numbers on the electoral register declined substantially and if constituency boundaries continue to be based on the register then it was conceivable that there could be further reduction of parliamentary seats from 600 to possibly 400 by 2020.

Open Discussion

The following themes and topics were then discussed in more depth:

- Civic duty or personal choice; the opt-

out, the threat of a financial penalty and incentives to register

- Completeness and 'drop off' of at-risk groups

- Risks around the 2014 register and household canvass

- Data matching

Unintended consequences, in particular boundary changes

- Resourcing and the costs of implementation

The opt-out

The issue of the opt-out and whether registration is a civic duty or a matter of personal choice was one of the most controversial aspects of the proposed legislation discussed at the roundtable. Siobhain McDonagh MP said the register is a fundamental building block of our society and added that activities such as voting and jury service are civic responsibilities. Lewis Baston noted the decision by an individual not to be on the electoral register has far reaching consequences including affecting the pool of people to draw on for jury service and the accuracy of neighbourhood representation in terms of the drawing of local authority and constituency boundaries. Therefore the argument that this should be about personal choice because it only affects that individual is erroneous.

Wayne David MP maintained that every academic that has studied the White Paper has drawn the same conclusion - that the draft

bill will bring a sizeable reduction in the size of the electorate. Whilst roundtable participants recognized that this is open to some debate, there was a broad consensus that removing the compulsory element and making registration a matter of personal choice does risk a less complete register than in the past.

Carrot and stick: the threat of financial penalty and incentives to register

“The incentives to register have to outweigh the incentives not to register and the threat of a £1,000 fine is an incentive to register.”
Chris Ruane MP

“I work in a lower level school in terms of the league tables and no young person at school actually understands any benefit at all of being on the electoral register.”
Michael Sani, Bite the Ballot

Allied to the issue of the opt-out is the proposal to remove the current threat of a £1,000 penalty for failure to register. For many of the participants, particularly electoral registration officers, the threat of penalty was one of the key elements to securing a complete register, particularly amongst groups at most risk of dropping off the register.

A further discussion ensued exploring additional incentives to encourage electoral registration, assessing what would incentivise young people, and whether there was sufficient understanding amongst the general public of the practical benefits of registration.

The Electoral Commission highlighted the importance of using incentives alongside penalties. Using prize draws for young people in Northern Ireland was cited as an example.

Another concern was the incentives not to register (to avoid jury service, credit agencies or council tax).

Most parliamentarians knew where the geographic areas of low registration are and discussed whether the existing proposals will reach people in these locations.

A number of essential factors were identified, including:

- The need for some degree of compulsion to assure accuracy and completeness
- Clarity on the process for removing people from register (Is it when they move house?)
- The need to consider registering everyone and let only eligible people vote
- An assessment of additional incentives in addition to the existing incentive related credit rating
- Use of additional low cost incentive schemes amongst certain groups
- Assessment of linking registration with claiming benefits, entry into higher education, or application for a driving licence?
- The role of parents in registering children should be acknowledged
- Consideration of linking local public service usage with the condition of registering on the basis that it's generally hard to register

people and often those hard –to-register have the most contact with their local authority

- Introduction of the ‘obligation to remind’ for citizen-facing public sector staff in local government
- Assessment of opportunities to work through partner organisations and other service providers (such as the Post Office)

*Including Older People, Disabled People including those in care, and Equality Impact Assessment

Impact on Hard-to-Reach Groups and those most likely to “fall off” the register*

There won’t be the resources or the political will to deal with a massive democratic deficit.”
Simon Woolley, Operation Black Vote

Many expressed concern about the lack of political will or resources to ensure targeting of marginalised groups. Evidence shows that individuals from certain social and economic groups are more likely not to be registered, and that the current proposals risk a further “fall off”. The strong consensus from participants was that special consideration and attention needs to be given to addressing this challenge; especially if accuracy and completeness are at the heart of the proposals.

Participants from disability rights groups highlighted the need for dramatic reform, with RNIB, Scope and Sense recognizing the potential for these proposals to be an opportunity to improve disabled people’s access. A further opportunity exists to enable

disabled people to be further involved in designing a new electoral registration and voting process.

Concern was raised regarding the impact the proposals may have with higher education students (block registration of students in university accommodation).

The role parents play in registering children, previously discussed at the event, was particularly important for young black men.

A number of essential factors were identified, including:

- The need for further work to ensure the introduction of IER is a positive move for disabled people
- The need for IER to reverse not reinforce the ‘democratic deficit’ experience by some individuals from certain black and minority ethnic communities
- The specific needs of more transient populations need to be carefully considered such as travelling communities, students and armed forces personnel and families, who already experience difficulties registering
- A wider exploration of pro-registration initiatives such as registration rallies (held in the United States) and campaigns such as Rock the Vote
- Whether there were mechanisms to incentivise local councillors to promote registration
- The role of youth groups in encouraging registration

- Use of the 'obligation to remind' to be at least targeted at hard to reach groups

identify who is missing off the register as well as who is on it.

2014 Canvass: Completeness and accuracy in the future

“What we’ve said in our submission (to the Cabinet Office) is that we don’t think the canvass should be abandoned for the foreseeable future.”

Andrew Scallan, Electoral Commission

The concern over dropping the 2014 canvass was almost universally expressed by those attending the meeting. Electoral registration officers in particular highlighted the risk of fall-off. The example was given of Tower Hamlets that has to deal with a transient population that’s continually moving and even with a full rolling registration the authority considers a completeness level of 65% a success.

The Electoral Commission stated in its submission that the canvass should be retained for the foreseeable future. Lewis Baston emphasised the point that abolition of the canvass is not a good way “of safeguarding the completeness of the register”; expressing additional concern that the proposals as drafted enable ministers to abolish the canvass through statutory instrument.

The Electoral Commission expects to see a decline in the completeness and accuracy of the register from the levels reached at time of the 2010 General Election. Previous research has shown that rolling registration is not keeping up with the annual canvass turnover and so the Commission will be wanting to

A number of essential factors were identified, including:

- The annual canvass must remain or if not rolled out nationally local authorities could be given the choice to continue to do a full household canvass
- Rolling over the canvass until May 2015 will mean that there will be unreliable and inaccurate registers under which the general election will be conducted
- Abolition of the canvass by statutory instrument under the current draft legislation is wrong. Power to abolish the canvass should remain exclusively with Parliament

Boundary Review

“One of the key issues for me is the connection with the 2015 Boundary Review”

Peter Facey, Unlock Democracy

Peter Facey raised concerns about the ongoing review of parliamentary boundaries and how the connection is problematic given the close proximity in terms of timings. A view was echoed that the timing of IER taken together with the boundary review could give rise to the perception that the reforms were motivated by partisan interests. As a result, some participants supported the view that either the introduction of IER or boundary review should be delayed.

Colin Dingwall reminded participants that both reforms were in the coalition agreement.

Those who do not register in 2014 can be carried forward for the May 2015 election. By December 2015 IER register will be complete and accurate. However, as one participant pointed out it could mean that in some areas the inflation of numbers will be much higher for 2015 election.

A number of essential factors were identified:

- The risk of running the 2015 boundary review on an incomplete register and the risks of dropping the 2014 annual household canvass in this context
- The inappropriateness of using a depleted electoral register to determine parliamentary boundaries
- That these concerns would cause some to demand a delay either to the introduction of IER or the boundary review

Resourcing and Implementation Issues

Participants discussed the challenge of IER implementation in the context of budget cuts; considering whether resources for electoral registration should be ring-fenced. Simon Woolley expressed deep concern that there is no evidence of any money for local authorities to enact these changes. The EROs remain concerned that local authorities will be unable to cope with the changes and any positive work done on registration in past few years may be undone. The changes were coming at a time when the cuts would be hitting local authorities hard - and those authorities with the most marginalised populations (and therefore

with naturally low registration rates) tended to be the authorities taking the biggest hit with the cuts.

There was some discussion around data matching pilots and how successful these will be in assembling the necessary data. The experience of Northern Ireland was quoted by a few participants. It was noted that when Northern Ireland changed to IER there was a big initial drop and then considerable year to year instability. Those comparisons in terms of demographics are not helpful (Northern Ireland has a relatively stable population whilst London boroughs, for example, experience vast fluctuations of movement).

There were a number of concerns expressed in the room that decisions were being taken whilst research is still on going and specifically that research on data matching pilots will not be complete until the legislation is due to pass. The Electoral Commission confirmed it will be assessing the effectiveness of data matching pilots.

One primary factor identified by the participants was that:

- IER will place considerable additional strain on electoral registration officers at a time when local government budgets are being cut. Consideration should be given to ring-fencing funding.

Response from the Cabinet Office

Colin Dingwall is Head of Division in the Constitution Group - Electoral Registration Transformation Programme.

The Government will publish its pre-legislative scrutiny report in the next 7 weeks (end November beginning of December). This will inform the final legislation introduced into Parliament.

The decisions for IER were outlined in the coalition agreement last May. The Government accepts the challenge with these proposed changes but the view that there could be a 30% drop in the electorate is acknowledged by the Commission to be a worst case scenario. We need to “manage” the risk through Outreach and Publicity. Online registration can help and data will be available from authorities to inform them how to do so.

There is recognition by the government that people should be actively encouraged to register and as the Minister said to the Political and Constitutional Reform Committee, we will reflect on the language used. The issue is now not about principles but the details – the “how you do it”. Completeness and accuracy are at the heart of this.

The Electoral Commission is carrying out research on the current levels of completeness and accuracy of the electoral register and this will inform the debate. We can learn from Northern Ireland (NI outreach work in schools is very effective for example) plus unlike Northern Ireland, we will not introduce IER overnight and are taking steps to manage the risks.

If people don't register in 2014 they can be carried forward to register for May 2015 election. By December 2015 IER register will be complete and accurate. Inaccurate entries should be removed by Individual Registration. The Government will also be looking at options of student enrolment process as a trigger for registration.

Future plans and actions

Summarising, Katie Ghose stated that any move to IER must ensure “devastating drop off” in registration rates does not occur. The following subjects were identified for more in-depth consideration:

- Concern about opt-out and a welcome for the Government's signals that this could be reconsidered.
- retaining a full household canvass – especially in 2014
- retention of financial penalties
- a fuller equalities Impact Assessment for IER and consideration of the implications for boundaries
- access for disabled and/or older people in particular
- the need to do out-reach work with younger people, especially 16 – 24 year olds
- targeting of the student population to avoid their disenfranchisement

The Electoral Reform Society's position

The Society welcomes the introduction of Individual Electoral Registration (IER), but we remain concerned that whilst the White Paper sets out some positive measures that will address the inaccuracy of the register and fraud (accuracy), the UK Government's plan fails to sufficiently guard against a projected drop in the number of registered individuals (completeness).

Key Points

Reduction in the number of people registered to vote

- Any measure that leads to a significant reduction in levels of voter registration runs counter to the UK Government's stated aim of distributing power and opportunity to people (outlined in its programme for government)
- Traditionally marginalized groups in society are at increased risk of 'dropping off' the register. The UK Government has yet to publish plans on how it will avoid at risk groups dropping off the register

Opting out will drive down registration

- By enabling individuals to 'opt out', the UK Government's existing plans risk a reduction in the number of individuals registered to vote. The Electoral Commission estimates that a new register could be as low as 65% complete. Certain parts of the UK Government's plans are compulsory, whilst other parts are voluntary: this contradiction risks confusion amongst voters and potentially, Electoral Registration Officers

Ending of threat of fine will further drive down registration

- Many Electoral Registration Officers report that the threat of £1,000 penalty acts as a drive for ensuring people register to vote. Again, the UK Government's plans to drop the threat of penalty will further suppress registration levels

At risk groups: no government plans to address concerns

- The UK Government needs to undertake further work to ensure its plans do not disadvantage particular social and economic groups. In particular, the impact on people with disabilities, older people, armed forces personnel and their families, and students in higher education; as well as certain black and minority ethnic groups

Scrapping household canvass: negative impact for voters and boundary review

- The UK Government intends to redraw parliamentary constituencies on the basis of numbers registered to vote, rather than population. This will mean areas with lower registration levels (communities with particularly transient populations, like inner cities, seaside towns, and settlements with concentrations of students, black and minority ethnic, and poorer people) will be under-represented
- The UK Government's current planned transitional arrangements from the existing Household Registration system to Individual Electoral Registration risks further compounding the problem of 'completeness'. Without a full household canvass in 2014, the 2015 register (the first

register operating under the new system) risks being significantly incomplete. This will further disenfranchise voters and mean the 2015 boundary review of parliamentary constituencies is based on flawed data

Key Tests

To ensure the final legislation establishes IER in an effective and fair way, the ERS argues the UK Government must address the following outstanding points:

Overall approach

The Bill must ensure a balance between improving the accuracy of the register and countering fraud against the completeness of the register – particularly amongst those groups that are traditionally excluded from society;

- The UK Government must present a more robust business case as to how the proposed changes will reduce fraud
- The coalition should be mindful of the perception held by some that the motivation for the introduction of IER is based on gaining electoral advantage, rather than improving the democratic process. This perception is held not just by opposition parliamentarians, but also some within civil society and academia. The UK Government should therefore make efforts to widely engage stakeholders throughout the forthcoming legislative process

Current offences/opt-out

The Bill must not contain an opt-out from the electoral register, and there must be the threat of a £1,000 penalty for non-registration.

- Final legislation must not contain an opt-out. An opt-out would reduce the

completeness of the register. There is a civic duty attached to the ability to vote, which is the foundation stone of our democracy

- Further, for the many people who already are, or are at risk from, democratic exclusion, the incentives of not being on the register may outweigh the incentives of being on the register
- The consensus amongst electoral registration officers was that the current offence and fine must be retained in the legislation, and that the threat of a fine was a driver for completeness in some areas
- Removal of the fine further tips the incentives for people to not register to vote

Annual Canvass

A full annual household canvass should be conducted in 2014 to ensure the even completeness of the register across the UK.

The Bill must ensure the power to abolish the Annual Canvass is not transferred from parliament to ministers.

Impact on Hard-to-Reach Groups

Prior to the introduction of the Bill to parliament, the UK Government must convene a Task & Finish Group with representatives from the Electoral Commission, the Equalities & Human Rights Commission and expert and representative groups from civil society and political

parties. The Task & Finish Group should consider the impact of IER on different social groups, and make recommendations as to how registration and participation can be increased. The Task & Finish Group's final report should be presented to parliament.

Boundary Review

The UK Government should give serious consideration to changing the basis for redrawing parliament boundaries from numbers on the electoral register back to population ahead of the scheduled 2020 general election.

Electoral Participation Fund and resourcing of EROs

The Bill must ensure an appropriate level of resourcing is provided to electoral registration officers and place on a statutory footing the Electoral Participation Fund.

Roundtable attendees

Katie Ghose (Chair)	Chief Executive, Electoral Reform Society
Alan Lockey	Parliamentary Assistant to Tristram Hunt MP
Alex Davies	Assistant to Lord Tyler of Linkinhorne
Alexandra Winning	SHM Foundation
Alia Mohammad	SHM Foundation
Andrew Scallan	Director of Electoral Administration, Electoral Commission
Andy Kaye	Policy Manager, RNIB
Chris Bala	Brent Electoral Services
Chris Ruane	Labour MP
Clive Betts	Labour MP
Colin Dingwall	Programme Director, Electoral Registration Transformation, Cabinet Office
Dr Nick Bowes	Senior Political Adviser to Rt Hon Sadiq Khan MP
Emily Georghiou	Policy Manager (Local Government and Participation), EHRC
Gemma Rosenblatt	Research and Evaluation Manager, Electoral Commission Scotland
Ian Smith	Parliamentary Researcher to Chris Ruane MP
Jamie Burton	Barrister, Doughty Street Chambers
John Howell	Conservative MP
Lewis Baston	Democratic Audit
Louise Stamp	ESM Tower Hamlets
Martha Matheou	Merton Electoral Services
Matt Davis	Westminster - HEASIG (LGA)
Michael Sani	Bite the Ballot
Michael Summerville	ESM Hackney
Olivia Bailey	National Chair, Labour Students
Paul Libreri	ESM Newham
Peter Facey	Director, Unlock Democracy
Rose Dowling	SHM Foundation, Director of Political Academy
Russell Brown	Labour MP
Sheila Gilmore	Labour MP
Simon Woolley	Director of Operation Black Vote
Siobhain McDonagh	Labour MP
Stuart Guthrie	Deputy ESM of Camden
Wayne David MP	Shadow Justice Minister responsible for Constitutional and Political Affairs

