

Voters Locked Out: The Flaws of Voter ID in England

April 2018

Introduction

In August 2016, Sir Eric Pickles's report, 'Securing the ballot: review into electoral fraud', was released.

It was commissioned after an election court judgement in 2015 which barred the Mayor of Tower Hamlets, Lutfur Rahman, for a number of illegal practices¹.

The report drew on this and 'crowd-sourced' allegations/anecdotes to justify 50 recommendations for changing UK elections – including the introduction of mandatory voter ID.

In January 2017, the government published their response – with the primary recommendation to trial voter ID to the polling station in a number of areas across England in May 2018.

The government will be trialling making ID mandatory at polling stations this May, with voters in Bromley, Woking and Gosport having to show official papers* before being permitted to vote. In Watford and Swindon voters will have to bring their polling cards with them.

The trials seek to deal with the specific issue of 'personation'. This is where someone votes at a polling station pretending to be someone else.

However, as we explain below, personation fraud is incredibly rare – and mandatory voter ID poses more problems than solutions.

The dangers for democracy

The evidence base

Analysis by the Electoral Commission of votes conducted in 2017 revealed there were just 28 allegations of 'personation' in polling stations – the type of fraud voter ID seeks to address. Just one of these allegations resulted in a prosecution – out of nearly 45 million votes cast in total throughout 2017 (i.e. 0.000063%).

There have been just four significant cases of electoral fraud since 2004. Only one of these involved personation (as well as other types of fraud) – the Mayoral election in Tower Hamlets, 2014. The other three were cases of postal vote fraud and campaign fraud. These were resolved through a judicial process – an example of our renowned legal system and election laws in practice.

Moreover, some of these cases have stemmed from the fact that, in the past, the 'head of the household' could just say voters were resident at their address – without necessarily providing evidence. However, this form of fraud is now much harder since Individual Electoral Registration was introduced. Everyone now has to register individually and provide a National Insurance number.

Adding a major barrier to democratic engagement off the back of this would be a sledgehammer to crack a nut.

1. Richard Mawrey QC's full judgement
<http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/judgment.pdf>

International evidence

Voter ID laws have been introduced in a number of US states and there has been substantial public debate about their impact. 14 US states required some sort of identification to vote in 2000, that number grew to 32 by 2014. There have been significant legal challenges to some of these laws and the US Supreme Court has intervened on occasion showing just how controversial voter identification laws can be.

A number of studies have found that the introduction of voter ID requirements has reduced voter participation and several studies suggest that this is disproportionately high amongst racial and ethnic minority groups. The impact has also been shown to disproportionately affect those with lower educational qualifications and lower income populations².

When voter identification was introduced in Canada for federal elections, the independent body responsible for conducting elections, Elections Canada, found that (in the seven by-elections held after the new rules were introduced) 4% of voters said they could not vote because they didn't have the right ID. A further 4% turned up without the right ID³.

Perceptions of fraud

Evidence shows that bringing in mandatory ID makes little difference to perceptions of fraud. Citizens of US states with strict ID laws don't feel better about their elections than people in states with more relaxed laws⁴.

Surveys of UK poll workers⁵ found that less than one percent of poll workers were concerned about electoral fraud in their polling stations. The study concludes that 'more liberal voting procedures such as the absence of voter ID does not necessarily go hand in hand with low levels of confidence and trust in the electoral process'.

The same study finds that a far more common problem is voters being turned away for not being on the register. Two-thirds of polling stations turned away at least one voter.

Voter ID will not necessarily improve voters' perception of security. Electoral Commission research on the 2017 General Election⁶ finds that 86% of people in England and Scotland think that voting at the polling station is safe, the figure is the same in Northern Ireland (86% safe) where ID is required. More people in England think voting at the polling station is very safe (44%) compared to Northern Ireland (40%) according to this poll.

Of those who are dissatisfied with the procedure for voting in elections, only 4% of people in England give their reasons as 'the system is open to abuse', this figure is 8% in Northern Ireland where voter ID is required.

Research from the Perception of Electoral Integrity Expert Survey (PEI-US)⁷ on common registration and balloting procedures (online voting, election day registration, voter ID requirements, mail ballots etc.) in the USA finds that 'more lenient convenience election laws are related to higher levels of electoral integrity'.

These findings challenge the assumption that more open procedures are more open to fraud. This research concludes that the concept of electoral fraud needs to be widened to the whole electoral process – not just the end point – including the drawing of constituency boundaries and campaign finance.

2. Toby James, (2010), *Electoral Administration And Voter Turnout: Towards An International Public Policy Continuum*, Representation, vol.46 (4)

3. Electoral Commission, (2015), *Delivering and costing a proof of identity scheme for polling station voters in Great Britain*

4. Stephen Ansolabehere and Nathaniel Persily, (2008), *Vote Fraud in the Eye of the Beholder: The Role of Public Opinion in the Challenge to Voter Identification Requirements*

5. Alistair Clark and Toby James, (2017), 'Poll Workers' in Pippa Norris and Alessandro Nai (2017) (eds) *Watchdog Elections: Transparency, Accountability and Integrity*, New York: Oxford University Press

6. Electoral Commission, (2017), *Electoral Commission Public Opinion research UK Parliament general election - June 2017* https://www.electoralcommission.org.uk/_data/assets/pdf_file/0007/234943/UKPGE-June-2017-Public-opinion-survey-Topline.pdf

7. Norris, P. (2017) *Strengthening Electoral Integrity*, CUP

Explainer: Why is 'personation' fraud so rare?

Requirements to show ID at polling stations would only stop people pretending to be somebody else in order to cast one fake vote. This is an incredibly rare crime because it is such a slow, clunky way to steal an election – and requires levels of organisation that would be easy to spot and prevent.

Firstly, without knowing the result, you can't work out how many hundreds or thousands of votes you need to steal: if you steal too many it will be obvious, but if you don't steal enough it makes no difference at all.

Secondly, you need to find enough real people on the electoral register who won't be casting their

ballot. If anyone whose vote has been stolen tries to vote, it instantly reveals the fraud and investigations begin.

Thirdly, you would need a team to go around all the polling stations to cast hundreds or thousands of votes without being spotted going in the same one twice.

Voting is not like picking up a parcel from the post office. Each individual vote only has any value when thousands of others are cast the same way – and it's simply impractical to steal enough votes to make a tangible difference.

The pilot areas

One issue with the areas chosen for piloting voter ID is that they are self-selecting. All are urban areas and most are in the South East.

The pilot areas are therefore unlikely to adequately represent the groups most likely to be affected by the introduction of voter ID: for example, the pilot group does not include any university towns or areas where the unemployment rate is substantively above the national average – Swindon is the highest at 4.4%, compared to 4.3% nationally, while all the others have below-average unemployment rates⁸.

The pilot areas are trialling poll card and photo ID*. Yet the Pickles report, 'Securing the Ballot', suggested a much larger range of options including date of birth, National Insurance numbers and signatures.

These could deal with the issue of disenfranchisement that we see for photographic forms of ID – almost everyone can provide a signature and a NI number or date of birth: these are free to provide/obtain.

The report also says that any identification should 'enhance public confidence and be proportional'

The evaluation of the pilots whilst thorough will not be able to make a full assessment on the basis of these pilots of the potential impact of introducing voter ID.

Disenfranchising voters

The government like to compare going to vote to 'picking up a parcel' – where some ID is required. Yet mandatory photographic ID would prevent millions from 'picking up their parcel' – i.e. exercising their right to vote. And while you can forget your ID for a parcel and pick it up the next day, the same cannot be said for using your right to vote, as academic Toby James has noted⁹.

Photographic ID is not universal in the UK. A report published by the Electoral Commission in December 2015 found that approximately 3.5m electors (7.5% of the electorate) do not have any photo ID. If restricted to passports and driving licenses, potentially 11m electors (24% of the electorate) would not have the right ID¹⁰.

Moreover, in the 2011 Census, 9.5 million people stated they did not hold a passport and in 2013/14 1.7 million lack even a bank account. That makes mandatory voter ID – with no free provision – a barrier to many people exercising their right to vote.

Yet allowing the use of non-photographic (and easily-forgable) utility bills would mean the change could actually do more harm than good – making it

8. ONS, (2018), *M01 Regional labour market: Modelled unemployment for local and unitary authorities*
<https://www.ons.gov.uk/employmentandlabourmarket/peoplenotinwork/unemployment/datasets/modelledunemploymentforlocalandunitaryauthoritiesm01>

9. James, (2018), *Will Windrush citizens also lose their voting rights? Researchers will be watching to find out*
<https://theconversation.com/will-windrush-citizens-also-lose-their-voting-rights-researchers-will-be-watching-to-find-out-95467>

10. Electoral Commission, (2015), *Delivering and costing a proof of identity scheme for polling station voters in Great Britain*

harder to vote for honest voters, while not tackling any of the alleged problems.

Some groups are less likely to hold photo ID. Older voters are less likely to have a passport¹¹. In Wales only 80% of people have a passport compared to 94% in London¹².

11. Ibid

12. Ibid

Driving license applications have been dropping amongst younger citizens since the mid-1990s – and are particularly low for young adults in urban areas. Costs of running a car, increasing costs of driving tests and changing attitudes towards car use are given as reasons for this decline¹³. DVLA data shows under 20s and over 65s are less likely to hold a driving licence.

13. Berrington and Mikolai, (2014), *Young Adults' Licence Holding and Driving Behaviour in the UK: Full Findings*, RAC Foundation

Electoral Commission research into the introduction of voter ID in Northern Ireland finds that those lacking the right ID were from particular groups: young people aged 18-24, people in socio-economic group DE, people in rented accommodation, those divorced, single or widowed and people with a disability all had lower rates of possession of the right ID.

Equalities impacts and human rights

A leaked letter from the Equality and Human Rights Commission to the Cabinet Office recently outlined concerns about the equality impacts of the pilots.

The letter states¹⁴: *“The Commission is concerned that the requirement to produce identification at the given local elections (Bromley, Gosport, Swindon, Watford and Woking) will have a disproportionate impact on voters with protected characteristics, particularly older people, transgender people¹⁵, people with disabilities and/or those from ethnic minority communities. In essence, there is a concern that some voters will be disenfranchised as a result of restrictive identification requirements.”*

14. Toby Helm and Michael Savage, (2018), *Tories in new race row over identity checks for elections*
<https://www.theguardian.com/world/2018/apr/21/identity-checks-election-disenfranchise-ethnic-minorities>

15. Nick Duffy, (2018), *Equalities watchdog says UK government 'voter ID' trials will disenfranchise transgender voters*
<https://www.pinknews.co.uk/2018/04/23/equalities-watchdog-says-uk-government-voter-id-trials-will-disenfranchise-transgender-voters/>

Conclusion

Trust in our democratic system is vital, which is why scaremongering about the extent of fraud is dangerous. The priority must be combating the structural flaws in our democracy – not building straw men at the polling station.

Over the past eight years, local councils have seen significant cuts to their budgets, which is likely to have affected electoral offices. Many EROs have reported significant cuts¹⁶.

From assessing the impact of these budget reductions, to improving guidance and extend training for election staff and Returning Officers or improving the ‘election petition’ process, there are potential changes which can be introduced to limit cases of electoral fraud. But the response must be proportionate, with a real need to think carefully before using extremely blunt instruments to deal with complex and varied issues.

Fundamentally, the burden of reducing fraud must fall on those running elections, not voters trying to do the right thing. While voter ID might sound like an easy option, raising barriers to voting is rarely something to be welcomed, particularly in our already less-than-perfect democracy.

As we have shown, the evidence base for imposing voter ID is extremely limited. Moreover, the pilots themselves are unlikely to provide the evidence needed. Introducing voter ID risks disenfranchising millions of voters while doing little to deal with the significant democratic issues our elections do face. Moreover, as an official Conservative policy, there is a risk the pilots will be treated as a ‘fait accompli’ to justify a national roll-out of voter ID – despite

16. *“It is getting more and more difficult to meet the statutory requirements of delivering elections and registration, especially with the combination of IER and the financial cuts each authority is facing”* according to the Association of Electoral Administrators
<https://www.aea-elections.co.uk/wp-content/uploads/2014/10/nw-min-mgmt-board-130614.pdf> and <https://www.aea-elections.co.uk/wp-content/uploads/2014/10/so-min-130614.pdf>

the weak evidence base and risks outlined here.

Electoral fraud is a serious issue – but mandatory voter ID is a sledgehammer to crack a nut.

And as has been seen in the US, mandatory voter ID raises sizeable barriers to people wishing to legitimately express their democratic will – and the millions who do not hold any form of photo ID. Our democratic procedures are widely respected without the need for over-bearing policies like this. The government needs to rethink these plans urgently, to ensure that our democracy is not threatened by these heavy-handed changes.

We have electoral officers and a highly-respected judicial system to prevent abuses. Let's strengthen them, rather than potentially disenfranchising millions.

The Right to Vote Coalition

A coalition of leading UK civil society groups, charities and academics have opposed the changes: Electoral Reform Society, Operation Black Vote, Royal National Institute of Blind People, St Mungo's, NUS, Stonewall, Liberty, Centrepoint, Age UK, MEND, The Salvation Army, Migrants' Rights Network, Unlock Democracy, Shout Out UK, Involve, British Youth Council, Race Equality Foundation, Young Voices Heard, WebRoots Democracy, The Jewish Council for Racial Equality, Croydon BME Forum, Thomas Pocklington Trust, Young Citizens (formerly Citizenship Foundation), United Response, TalkPolitics, Race On The Agenda, The Monitoring Group, Runnymede, LGBT Foundation, Friends, Families and Travellers, Olmec, Independent Age, Voice4Change England, Royal Society for Blind Children, Council of Somali Organisations, Silver Voices, Gendered Intelligence and Brap. Academics: Dr Toby James, Professor Pippa Norris, Professor Matt Henn, Dr Sarah Pickard, Dr James Sloam and Professor Jon Tonge.

Resources

Press release: 'Unprecedented' coalition of charities and civil society demand rethink on 'dangerous' voter ID trials

<https://www.electoral-reform.org.uk/latest-news-and-research/media-centre/press-releases/unprecedented-coalition-of-charities-and-civil-society-demand-rethink-on-dangerous-voter-id-trials/>

Blog: Why the government's mandatory voter ID plans are a terrible idea

<https://www.electoral-reform.org.uk/why-the-governments-mandatory-voter-id-plans-are-a-terrible-idea/>

Endnotes

* The types of ID required by area are listed below:

Bromley

Either one of the following is required:

- A passport issued by the United Kingdom, a Commonwealth country or a member state of the European Union
- A photocard driving licence (including a provisional licence) issued in the United Kingdom or by a Crown Dependency, or by a member State of the European Union
- An electoral identity card issued under section 13C (electoral identity card: Northern Ireland) of the Representation of the People Act 1983
- A biometric immigration document issued in the United Kingdom in accordance with regulations made under section 5 of the UK Borders Act 2007
- An identity card issued in the European Economic Area
- An Oyster 60+ London Pass
- A Freedom Pass (London)
- A PASS scheme card (national proof of age standards scheme)

Or two of the following (one of which must show your registered address):

- A valid bank or building society debit card or credit card
- A poll card for the poll
- A driving licence (including a provisional licence) which is not in the form of a photocard.
- A birth certificate
- A marriage or civil partnership certificate
- An adoption certificate
- A firearms certificate granted under the Firearms Act 1968
- The record of a decision on bail made in respect of the voter in accordance with section 5(1) of the Bail Act 1976
- A bank or building society cheque book
- A mortgage statement dated within 3 months of the date of the poll
- A bank or building society statement dated within 3 months of the date of the poll
- A credit card statement dated within 3 months of the date of the poll
- A utility bill dated within 3 months of the date of the poll
- A council tax demand letter or statement dated within 12 months of the date of the poll
- A Form P45 or Form P60 dated within 12 months of the date of the poll

Watford

Poll card, or 'acceptable ID' if no poll card.

Woking

One of the following is required:

- Passport (UK, EU, Commonwealth)
- UK Photo Driver's Licence (full or provisional)
- EU Driver's Licence
- European Economic Area Photographic ID Card
- UK Biometric Residence Permit
- Northern Ireland Electoral Identity Card
- Surrey Senior Bus Pass
- Surrey Disabled People's Bus Pass
- Surrey Student Fare Card
- 16 - 25 Railcard
- Rail Season Ticket Photocard

Or (if you do not have any of the above ID)

- Local Elector Card

Swindon

Poll card (using scanning) or acceptable form of ID if no poll card

Gosport

One of the following:

- UK or EU passport (UK, Commonwealth, EEA)
- Photocard driving licence, full or provisional (UK, crown dependency or EU)
- Northern Ireland electoral identity card
- Biometric immigration document
- European Economic Area identity card
- Disclosure and Barring Service certificate showing your registered address
- MoD photographic ID card
- MoD Defence Privilege Card
- Photo bus/travel pass from any Hampshire council

Or two of the following (one must show registered address):

- Driving licence without photo
- Birth certificate
- Adoption certificate
- Marriage or civil partnership certificate
- Bank or building society debit/credit card

Issued within 12 months of voting day:

- Financial statement, such as a bank or mortgage statement
- Council tax demand letter or statement
- Bill
- P2, P6, P9, P45 or P60
- Statement of benefits or entitlement to benefits

Or if you don't have acceptable ID, you can apply for an electoral identity letter to bring to the polling station instead. Or, you can apply for a postal vote.