

Electoral Registration – Order and Regulations Briefing

House of Lords Grand Committee

Monday 9th December 2013

The Electoral Reform Society has consistently welcomed the principle of Individual Electoral Registration (IER) whilst raising concerns about its practical effect on people's participation in democracy. Now IER is nearly passed into law, it is vital to think about how to ensure as many people as possible are registered under the new system and further innovations to ensure a 21st century registration system.

Summary

The introduction of IER is one of the biggest changes to the way we conduct elections since the Universal Franchise was introduced in 1928.

The ERS previously expressed concerns that IER could result in millions of people falling off the register. We successfully campaigned for the end of the 'opt-out', the retention of a penalty for non-registration and for an annual canvass in 2014.

We believe that the government now needs to focus on creating the best environment for the registration of those voters from the most at risk groups.

With the primary legislation for IER now passed, it is time to consider longer term changes to voter registration rules to create a system fit for the 21st century. One of the advantages of IER is that it is an individual system with confirmation based on a national database (National Insurance numbers). This means it can provide a framework for innovation within the electoral registration system to help increase registration and therefore political engagement.

Implementation

Implementation over the next 18 months is fraught with challenges. We are concerned that the proposals, if implemented badly, could have a devastating impact on British democracy by alienating millions of voters right before the 2015 general election. According to the Electoral Commission's December 2011 study Britain's electoral registers are only around 85-87% complete, equating to around 8.5 million unregistered people. Additionally 44% of those who are not registered falsely believed that they were¹. This is a challenging base-line for the introduction of a new system. We want to see the government working closely with civic groups, electoral

¹ These figures and others below from the Electoral Commission's *Great Britain's Electoral registers 2011* report: http://www.electoralcommission.org.uk/_data/assets/pdf_file/0007/145366/Great-Britains-electoral-registers-2011.pdf

registration officers and others to ensure every last step is taken to maximise registration in the run-up to the 2015 General Election and beyond.

Problem: The Electoral Commission's latest analysis shows that "areas with a high concentration of certain demographics – students, private renters and especially young adults" – are particularly in danger of having low registration numbers.² Younger people already have low rates of registration. Just 55% of 17-18 year olds and 56% of 19-24 year olds were registered in 2011. They will be at particular risk under new rules as under the prior household registration system many will have been registered by their parents. Only 56% of private renters are registered. Certain black and minority ethnic groups, disabled people and older people may also be more likely to be unregistered.

Solution: The government must make sure that the widest possible range of civil society organisations have the information they need to help inform and engage at-risk groups with the new system. New initiatives like Bite the Ballot's [National Voter Registration Day](#) on 5 February 2014 should be fully supported by politicians and civil society. Resources should match the specific challenges that electoral registration officers face in each community.

Problem: There is a highly truncated timetable for the introduction of the IER system. A final canvass under the household registration system will take place in spring 2014. In July 2014 England and Wales will begin the transitional phase, with Scotland following after the Independence referendum in September. A full register is scheduled to be completed by December of 2014. There will be, by then, only five months until the general election. If problems arise with the implementation then there could be a huge knock-on effect on that election.

Solution: The tight timetable (Scotland especially) means that essential parts of the scheme such as data matching are heavily relied on. It is vital that continual scrutiny and alterations are made to avoid drop-off before election. There should also be a clear plan to deal with drop-off after the General Election because that is both when the new rules take full effect **and** registration will be at its lowest on the public's list of priorities.

Registration revolution

In order to maximise registration after the General Election, all parties should now consider further innovations to achieve a registration system fit for 21st century voters.

Consideration should be given to a 'motor voter' law to increase the opportunities for citizens to get on the electoral register; same-day registration; and increased on-line capabilities for registering to vote. Encouraging younger people to register as early as possible is essential and we support Bite the Ballot's initiative for a Voter Mobilization Act that would give schools and other public bodies a greater promotional role in young people's registration.

'Motor Voter' and the Voter Mobilization Act

In the United States the National Voter Registration Act (NVRA) of 1993 is the most important framework for State's registration laws.

The NVRA aimed to increase registration and turnout in US elections. Those states governed by the NVRA must provide electoral registration services when voters register for other state

²Electoral Commission report *Confirmation dry run results*, October 2013 Available here: www.electoralcommission.org.uk/_data/assets/pdf_file/0019/163144/Confirmation-Dry-run-2013-Results-report.pdf

services such as benefits, like food stamps, or, particularly, when registering for driver's licences at DVLA's. As this is the most common form of registration the act has been nicknamed the 'Motor Voter' act. Some 37.1% of registrations come from 'motor registration'.

After Colorado introduced a law similar to the NVRA it experienced a turnout boost of 4.7% in the four years following³.

One of the primary reasons for recent falls in electoral registration has been the increasing mobility of the British population. As mentioned above, one of the groups least likely to be registered are private renters, as they frequently move, often neglecting to register at their new address.

Legislation similar to 'motor voter' could allow for members of the public to be prompted to register to vote when they register at a GP's office, for benefits, or when registering for council tax payments.

A further extension of this principle would be to encourage 16 year olds to register at school, or to send them a registration form with their National Insurance card. While 16 year olds cannot currently vote, they can be registered as 'attainers' who will qualify to vote in future elections. Prompting them to register through such easily available avenues could help to get 16 year olds into the habit of voting early.

After the introduction of Individual Electoral Registration in Northern Ireland, there was, to quote the Electoral Commission "a significant and worrying decline in both the accuracy and completeness of Northern Ireland's electoral register". There was a particularly disproportionate drop off amongst attainers, from more than 10,000 to 244.

The Representation of the People (Northern Ireland) Regulations 2008 introduced a capability to allow the Chief Electoral Officer to request post-primary schools to provide him or her with information to pre-populate registration forms. Pupils then need to provide their National Insurance number and their signature. This activity is usually carried out in the school assembly hall.

With 95% of schools participating the number of attainers on the register went up to 11,227⁴.

These changes demonstrate the potential risks of IER, but also the potential for innovation and improvement which could be made through 'motor voting' proposals like Bite the Ballot's proposed Voter Mobilization Act.

Online registration and text messaging

Eleven US States now allow voters to register online. Arizona has the highest number of online registrations with 24.4% of registrations being completed in this way. Online registration is quick, accurate and cost effective. In Maricopa County, Arizona (which includes Phoenix, thus giving it a population larger than 23 states) the introduction of online voter registration saved \$1 million over five years.

³ Highton and Wollinger, *Estimating the Effects of the National Voter Registration Act of 1993* Political Behaviour Volume 20, Issue 2, Pages 79-104.

⁴ Statistics and quotes in this section taken from the Electoral Commission report *Continuous electoral registration in Northern Ireland* November 2012. Available here: http://www.electoralcommission.org.uk/_data/assets/pdf_file/0004/152626/Continuous-electoral-registration-in-Northern-Ireland.pdf

Some councils already allow voters to modify their voter registration details through the internet, as does New Zealand.

Online registration may also appeal more directly to young people, and may simplify transactions through websites such as www.aboutmyvote.co.uk.

Another New Zealand innovation, in operation since 2002, is the ability to text a free number to request a form. The number is then attached to public information campaigns. In the six months leading up to the 2008 election 37% of new registrations were through one of the 124,000 text message requests for a form. Despite the use of television advertising and cost of the texts this proved relatively inexpensive at only \$NZ 20,000.

Same-day registration

Another potential legislative reform is same-day registration. Canada and many US States allow for same-day electoral registration whereby voters can register at the polling station itself. This would have been impossible under the former household registration system as it would have created the conditions for fraud, but using National Insurance numbers creates the conditions for a secure registration.

Comparative studies in the US tend to suggest that same-day registration boosts turnout by around 3-9%. Non-registration and non-voting are not the same thing and same-day registration can allow those who believed they were registered a chance to vote. Some voters are not 'activated' by the election campaign until very late in the campaign, possibly even after the passing of the registration deadline. Same-day registration can also boost turnout by reducing the costs of voting, in terms of the number of 'trips' that have to be made by voters.

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