

The government is once again piloting mandatory voter ID at the local elections on 2 May, despite overwhelming opposition to putting up barriers to participation through the introduction of voter ID.

The 2018 voter ID pilots saw more than 1,000 voters being turned away for not having the correct form of ID – of these, around 350 voters did not return to vote.

The policy of mandatory strict ID presents a significant risk to democratic access and equality. Possession of ID is not universal and is particularly low among certain groups of voters. Millions of people lack the strictest forms of required documentation, such as a passport or driving licence. If mandatory ID were to be rolled out nationally, it could potentially result in tens of thousands of voters being denied a say.

Identification requirements risk undermining the principles of fair and equal participation that have been at the heart of British democracy since the adoption of universal, equal suffrage in 1928.

A disproportionate response

There is insufficient evidence to suggest that personation fraud is widespread in the UK¹. New figures released by the Electoral Commission in March 2019 show that, of the 266 cases investigated by police relating to the 2018 local and mayoral elections and local by-elections, more than half (140) were campaigning offences and just one in five (57) related to complaints made about the voting process.

Personation fraud at the polling station – the crime of pretending to be someone else at the ballot box, which is what the government’s continuing voter ID pilots aim to address – accounted for just eight of the 266 allegations made in 2018. No further action was taken for seven of these allegations and one was locally resolved.

Of the 44.6 million votes cast in 2017, only 28 allegations of personation were made, of which only one resulted in a conviction. This is equal to 0.000063% of votes.

The 2019 pilots

Voter ID pilots are due to take place in 10 local authorities during this week’s local elections and will require voters to present personal identification before casting their ballot at the polling station. The following local authorities will be trialling voter ID: Braintree, Broxtowe, Craven, Derby, Mid-Sussex, North Kesteven, North West Leicestershire, Pendle, Watford, Woking.

As in the 2018 pilots, three different types of identification requirements are being tested:

- In Broxtowe, Craven, Derby, North Kesteven and Braintree, voters will have to present either one piece of photo ID or two pieces of non-photo

1. <https://www.electoralcommission.org.uk/find-information-by-subject/electoral-fraud/data-and-analysis>

ID before casting their vote.

- In Mid-Sussex, Watford and North West Leicestershire, voters will have to take along their poll card or present photo ID.
- Finally, in Pendle and Woking, only photo ID will be accepted.

In all local authorities, voters who do not have any of the required types of identification will be able to apply for a local certificate of identity free of charge.

Two councils – East Staffordshire and Ribble Valley – had originally signed up for the pilots, but subsequently pulled out. A spokesman for East Staffordshire council cited timing concerns for this decision, saying ‘We were concerned about the time allowed for us to communicate with the electorate what valid forms of ID would be permitted.’²

Ribble Valley decided not to participate because the pilot would have been too much work on top of a boundary review: ‘Our returning officer believed the administration of the voter ID pilot on top of local government boundary changes would have been too resource intensive and could not have been carried out without potentially impacting the smooth running of the elections.’³

2. <https://www.derbytelegraph.co.uk/burton/polling-burton-east-staffordshire-elections-2416867>

3. <https://www.independent.co.uk/news/uk/politics/voter-id-local-election-pilot-scheme-high-court-challenge-council-a8780776.html>

The legal challenge

The government faced a legal challenge to its voter ID plans in the run up to the 2019 local elections over claims that they were ‘unlawful’ and would ‘serve to further disenfranchise the poor and vulnerable who already struggle to have their voices heard’.⁴ The case was brought by Neil Coughlan, a voluntary worker from Braintree (one of the trial areas) who does not have access to photo ID, following an online fundraising campaign which raised more than £30,000.

The High Court dismissed the challenge on the grounds that the ID pilots were lawful under section 10 of the Representation of the People Act 2000.⁵ Though this challenge to the voter ID pilots was unsuccessful, there remain serious concerns about the impact of this policy beyond the pilots themselves.

4. <http://www.bailii.org/ew/cases/EWHC/Admin/2019/641.html>

5. <https://www.localgovernmentlawyer.co.uk/governance/396-governance-news/40122-high-court-rejects-legal-challenge-over-voter-id-pilot>

Unequal impact

Prior to the 2018 pilots, a major coalition of over 40 leading civil society groups, charities and academics joined the ERS in opposing mandatory ID plans – including Age UK, Stonewall, Liberty, The Salvation Army, Migrants’ Rights Network, the British Youth Council and the Race Equality Foundation.

In a letter to the Minister for the Constitution, the coalition urged the government to reconsider running the pilots, highlighting the unequal impact they would have on already disadvantaged and excluded groups, and raising concerns about the participating local authorities’ failure to carry out adequate Equality Impact Assessments.⁶

Simon Woolley, Director, Operation Black Vote, said: ‘This is clearly not a political issue, but rather a democratic concern. Right now our democracy needs to be the strongest it can be, therefore, we should be making the process of voting much easier, rather than introducing more layers of bureaucracy, that will inevitable cause distrust and turn people away.’

Jo Hobbs, Chief Executive of the British Youth Council, said after the pilots: ‘Assumptions that all young people have photo ID ignores the financial and other barriers in place to getting such forms of ID. We heard from young people in one of the trial areas that they were left feeling that the move would mean that only ‘smart educated people’ would be the ones left voting.’

6. <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/>

Lack of evidence

The 2018 trials failed to provide evidence to support the roll-out of mandatory ID across the UK – the impact of ID requirements on fraud and public confidence in the integrity of elections cannot be ascertained.

7. https://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/244950/May-2018-voter-identification-pilots-evaluation-report.pdf

In its post-pilot evaluation⁷, the Electoral Commission said, for example, that ‘there is not yet enough evidence to fully address concerns and answer questions about the impact of identification requirements on voters’. It also found ‘inconsistent evidence’ about whether mandatory voter ID would increase public confidence in the security of voting, and very limited evidence of whether ID requirements prevented people from attempting to commit electoral fraud, which was one of the government’s primary policy objectives for the pilots.

This year’s pilot schemes are unlikely to provide additional evidence in this regard – pilots in a handful of council areas for local government elections will not provide sufficient evidence to ascertain the effects of an ID requirement nationally at general elections.

The costs of mandatory ID

Research by the Cabinet Office following the 2018 voter ID pilots showed that implementing mandatory voter ID across Great Britain could cost up to £20m per general election – over £700,000 per allegation of polling station fraud made in 2017.⁸

8. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733128/Electoral_Integrity_Project_-_Local_Elections_2018_-_Evaluation.pdf

Turnout: a flawed measure?

It has been suggested that increased turnout is enough to prove the success of the trials. This is a flawed measure of success. The councils involved in the pilots spent additional funds (provided by the Cabinet Office)⁹ on promoting the trials with voters contacted numerous times – this would have artificially stimulated turnout. It is unlikely that similar funds will be made to all electoral offices on an ongoing basis should the scheme be rolled out nationally.

9. <https://www.bromleytimes.co.uk/news/voting-id-scheme-cost-home-office-200-000-1-5623780>

The real fraud problem

Voting should be secure and not open to abuse. Voters need to have confidence in the way elections are run in order to feel confident in the result. But trust in our democratic processes is being slowly eroded by outdated campaign rules, scandals around the misuse of personal data, and foreign interference in our elections and referendums.¹⁰

10. See the ERS’s recent report: Reining in the Political ‘Wild West’: Campaign Rules for the 21st Century: <https://www.electoral-reform.org.uk/latest-news-and-research/publications/reining-in-the-political-wild-west-campaign-rules-for-the-21st-century/>

We should be therefore addressing the challenges that undermine our democracy, not preventing legitimate voters from exercising their democratic right.

FAQ

Why is impersonation 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.

With no evidence of widespread fraud, even a handful of people not voting as they left their ID at home would have a far bigger impact on election results than alleged fraud

How does voter ID disenfranchise the public?

- **Possession of ID is not universal:** Research by the Electoral Commission¹¹ shows that around 3.5 million citizens (7.5% of the electorate) do not have access to photo ID. If voter identification requirements were restricted to passports or driving licenses, around 11 million citizens (24% of the electorate) could potentially be disenfranchised. Getting ID costs time and money, which some citizens may not be able to invest.
- **Marginalised groups are less likely to have ID:** Women, those living in urban areas, the under 20s and over 65s were less likely to hold a driving license. Indeed, since the 1990s, possession of a driving license has dropped by 40 percent among under 20s – making it a poor basis for a voter ID policy.
- **Free or low-cost ID cards are not available in the UK:** An oft-repeated argument in support of mandatory ID in the UK is that you need to show ID to vote in elections in most European countries. But what supporters of voter ID fail to mention is that all EU member states, with the exception of Denmark and Ireland, have universal ID card schemes that are either free or low-cost.¹² Furthermore, possession of some form of ID is mandatory in 21 EU states, which means that everyone has them and no groups are discriminated against.

11. https://www.electoralcommission.org.uk/_data/assets/pdf_file/0004/194719/Proof-of-identity-scheme-updated-March-2016.pdf

12. <http://www.statewatch.org/news/2010/jun/eu-council-ID-cards-9949-10.pdf>

Can't we just use non-photo ID?

Some say that to mitigate potential disenfranchising effects of restrictive ID requirements, we should just use non-photographic ID. But this could do more harm than good – making it harder to vote for honest voters, while failing to tackle the alleged problems.

As the Electoral Commission has pointed out, non-photographic identity documents, such as a debit card, utility bill or poll card, wouldn't offer the same level of proof of identity.

What about Northern Ireland's scheme?

Faced with extremely high levels of documented in-person electoral fraud, Northern Ireland introduced mandatory ID in 1985 and – crucially – a free Electoral ID Card in 2002.

At the 1983 General Election, nearly 1,000 people arrived at polling stations in Northern Ireland only to be told a vote has already been cast in their name. Police made 149 arrests for personation, resulting in 104 prosecutions.¹³

In Northern Ireland, mandatory ID was thus a proportionate response to the significant problem of personation – unlike the rest of the UK, where only 28 allegations of personation were made in 2017, of which only one resulted in a conviction.

What about Tower Hamlets?

The Tower Hamlets area is a high risk area that is frequently highlighted as evidence of a problem. However, it is clear that the Tower Hamlets case (allegations made in 2010/12 and again in 2014)¹⁴ was untypical and one which the current laws were able to address. It is also not a case in which personation fraud was the primary type of fraudulent activity. Indeed, the 2014 Tower Hamlets court ruling covers personation, postal vote fraud, illegal provision of false information, illegal voting, making false statements about candidates, illegal employment of paid canvassers, bribery and undue spiritual influence.

13. <http://blog.policy.manchester.ac.uk/posts/2018/03/voter-id-at-british-polling-stations-learning-the-right-lessons-from-northern-ireland/>

14. <http://researchbriefings.files.parliament.uk/documents/SN06255/SN06255.pdf>

A sledgehammer to crack a nut

Requiring voter ID at the polling station may lead to the exclusion of legitimate voters from the democratic process and this is an unnecessary risk when there is no evidence of widespread personation fraud.

Trust in our democratic system is vital, which is why scaremongering about the extent of fraud is dangerous. We need to be combatting the huge challenges that undermine our democracy, not preventing legitimate voters from exercising their democratic right.

Further information

- More information on the 2019 voter ID pilots is available on the government's website: <https://www.gov.uk/government/publications/voter-id-pilots-for-local-elections-in-may-2019>
- ERS' report on the 2018 pilots – *A Sledgehammer to Crack a Nut: The 2018 Voter ID Trials* – is available at: <https://www.electoral-reform.org.uk/latest-news-and-research/publications/a-sledgehammer-to-crack-a-nut-the-2018-voter-id-trials/>