Electoral Reform Society

House of Lords Select Committee on the Electoral Registration and Administration Act 2013

21st October 2019

We welcome this call for evidence and the committee's commitment to post-legislative scrutiny of the Electoral Registration and Administration Act 2013. Ensuring that all eligible voters are able to participate in our democratic processes without undue barriers is vital to a healthy democracy.

In this submission, we address the questions relating to the introduction of Individual Electoral Registration and how it can be improved (with particular reference to the accuracy and completeness of the electoral registers), and to the government's proposed roll-out of mandatory voter ID requirements across the UK.

Executive Summary

- The Electoral Reform Society (ERS) welcomed the introduction of Individual Electoral Registration (IER) as an improvement on the previous household registration system. However, more needs to be done to bring our electoral registration system into the 21st century. We must now look at ways of improving the accuracy and completeness of the electoral registers, and at how registration can be made easier and brought more in line with citizens' daily lives. The ERS is calling for a 'registration revolution' with moves towards automatic registration to deal with the problem of under-registration.

- The ERS is strongly opposed to the introduction of mandatory voter ID, as recently announced by the government in the Queen's Speech. 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.

- In the UK, possession of ID is not universal and is particularly low among certain groups of voters, given the financial and time costs involved in obtaining ID. If mandatory ID were to be rolled out nationally, it could potentially result in tens of thousands of voters being denied a say.

- The government's ID trials in selected local authorities during the 2018 and 2019 English local elections 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. As the voter ID pilots showed, the scheme risks disenfranchising far more people than suspected wrongdoers.

- The ERS believes that we should focus on combatting the huge challenges of campaign financing and online transparency that undermine our democracy, not on preventing legitimate voters from exercising their democratic right.

About the Electoral Reform Society

The Electoral Reform Society is the UK's leading voice for democratic reform. We work with everyone – from political parties, civil society groups and academics to our own members and supporters and the wider public – to campaign for a better democracy in the UK.

Our vision is of a democracy fit for the 21st century, where every voice is heard, every vote is valued equally, and every citizen is empowered to take part. We make the case for lasting political reforms, we seek to embed democracy into the heart of public debate, and we foster the democratic spaces which encourage active citizenship.

Question 1: Has the introduction of individual electoral registration been a positive development overall? Has it achieved its objectives, and how does it compare with the previous household registration system?

1.1 Voter registration is central to a healthy democracy. Low registration levels lead to lower turnout, which damages the legitimacy of government. The Electoral Reform Society welcomed the introduction of Individual Electoral Registration (IER) as an improvement on the previous household registration system. Household registration was an outdated and inaccurate system, and the change to individual registration presents the first step in modernising the system overall. However, more needs to be done to bring our electoral registration system into the 21st century.

1.2 IER means that each elector needs to register themselves with proof of their identity (generally, date of birth and National Insurance Number). Being able to register online has improved the ease and accessibility of the process, and has enabled applications to be processed more easily nearer to polling day. It has also paved the way for further modernisations.

Question 3: What other steps are necessary to improve the electoral registration process, and to increase the accuracy and completeness of registers in particular? Has there been sufficient Government focus on completeness of registers?

3.1 The introduction of IER has made it possible to integrate a number of innovations into the registration process and thus ensure that as many people are signed up to vote as possible. We must now look at ways of improving the accuracy and completeness of the electoral registers, and at how registration can be made easier and brought more in line with citizens' daily lives.

3.2 Complete and accurate electoral registers are vital to the health of our democratic processes – for example, they are used to allocate voters to polling stations and draw electoral boundaries. Despite the improvements brought about by IER, the levels of completeness of the electoral registers has not changed since 2015, while their accuracy has declined. The Electoral Commission's 2019 report on the accuracy and completeness of the electoral registers in Great Britain and Northern Ireland shows that electoral registers in Great Britain – as of December 2018 – are only between 83% (for local government registers) and 85% (for parliamentary registers) complete, and 89% accurate (for both types).[1] The completeness of both registers has not changed significantly since 2015 in Great Britain, but their accuracy has decreased by around two percentage points. In Northern Ireland, the local government register is 73% complete and the parliamentary one is 74% complete,

1. https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/accuracy-and-completeness-electoral-registers

with both being 80% accurate in December 2018. The accuracy of the registers decreased by seven percentage points since 2015, while their completeness decreased by 6–7 percentage points.

3.3   This means that between 15% and 17% of eligible voters in Great Britain are not registered at their current address, representing as many as 9.4 million people. 11% of register entries for Great Britain also have 'major errors', affecting up to 5.6 million people – with another 9% having 'minor errors'. In Northern Ireland, around 26% of eligible voters are missing from the local and parliamentary registers, with as many as 430,000 people not correctly registered on the local government register. There are also an estimated 230,000 to 285,000 inaccurate entries on the Northern Irish local government registers as of December 2018.

3.4   The Electoral Reform Society are calling for a 'registration revolution' with moves towards automatic registration to deal with the problem of under-registration. Many other countries – including Canada, Finland and Belgium – have more universal voter registration systems, where people can sign up whenever they engage with government bodies, or they are automatically opted in. Individual registration makes it possible to integrate registration into other day-to-day transactions with the government. As the Electoral Commission pointed out, moves to automatic or more automated registration 'are feasible from a technical and operational perspective and could be implemented without radically altering the structure of the electoral registration system in the UK'.[2]

3.5   A 'motor voter'-type law, for example, would mean that citizens can register to vote whenever they come into contact with the government – from getting a driving license to sorting out their benefits or pension, as a step towards universal registration. This is common in the United States where citizens can register at their county or government registration office, motor vehicle agency, at universities, schools and hospitals.[3]

3.6   An online look-up service – whether centralised or separate for each local authority – would allow people to check if they have already registered to vote. This would prevent duplicate applications from being processed by electoral administrators and thus alleviate some of the time and cost burdens they are facing. Though this may involve an initial investment, as pointed out in evidence given to this committee,[4] the long-term benefits to the electoral administration process in terms of efficiency make this worth investing in.

3.7   We welcome the government's programme of work on democratic engagement particularly with under-registered groups, such as students, including that conducted as part of National Democracy Week, Policy Lab, and with universities. But more can be done – such as strengthening the provision of political/citizenship education in schools, incorporating voter registration into school life, registering attainers, and encouraging universities to register students when they enrol.[5]

Question 13: What is your view of the Government's proposals to require people to bring personal identification when casting a vote?

13.1   The Electoral Reform Society is strongly opposed to the introduction of mandatory voter ID, as recently announced by the government in the Queen's Speech.[6] 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. Requiring voter ID at the polling station may lead to the exclusion of legitimate voters from the democratic process and this is an unnecessary

2. https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/changing-electoral-law/a-modern-electoral-register/modernising-electoral-registration-feasibility-studies

3. https://www.justice.gov/crt/about-national-voter-registration-act

4. http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/electoral-registration-and-administration-act-2013-committee/electoral-registration-and-administration-act-2013/oral/103888.html

5. https://tobysjamesdotcom.files.wordpress.com/2019/08/missing-millions-still-missing-pages.pdf

6. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839370/Queen_s_Speech_Lobby_Pack_2019_.pdf

risk when there is no evidence of widespread personation fraud. We need to be combatting the huge challenges of campaign financing and online transparency that undermine our democracy, not preventing legitimate voters from exercising their democratic right.

13.2 There is no evidence that personation (the crime of pretending to be someone else at the ballot box) is a widespread problem and it does not appear to affect voter confidence compared to wider issues. Figures released by the Electoral Commission in March 2019 show that personation fraud at the polling station accounted for just eight of the 266 allegations made in 2018.[7] No further action was taken for seven of these allegations and one was locally resolved. Of the 44.4 million votes cast in 2017, only 28 allegations of personation were made. This is equal to 0.000063% of votes. Only one allegation resulted in a conviction.

13.3 The policy of mandatory ID presents a significant risk to democratic access and equality. In a country without free access to ID, possession of ID is not universal and is particularly low among certain groups of voters, given the financial and time costs involved in obtaining ID. If mandatory ID were to be rolled out nationally, it could potentially result in tens of thousands of voters being denied a say. Millions of people lack the strictest forms of required documentation, such as a passport or driving licence. Research by the Electoral Commission shows that around 3.5 million citizens (7.5% of the electorate) do not have access to photo ID.[8] If voter identification requirements were restricted to passports or driving licenses, around 11 million citizens (24% of the electorate) could potentially be disenfranchised. Marginalised groups are less likely to have ID, with women, those living in urban areas, the under 20s and over 65s being less likely to hold a driving license.

13.4 An oft-repeated argument in support of mandatory ID in the UK is that in most European countries and in Northern Ireland one has to show ID in order to vote. 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.[9] 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. With regards to Northern Ireland, mandatory ID was introduced in 1985 in response to extremely high levels of documented in-person electoral fraud. At the 1983 General Election, nearly 1,000 people arrived at polling stations in Northern Ireland only to be told a vote had already been cast in their name. Police made 149 arrests for personation, resulting in 104 prosecutions.[10] In Northern Ireland, mandatory ID was thus a proportionate response to the significant problem of personation – unlike the rest of the UK, where only eight allegations of personation were made in 2018, none of which resulted in a conviction.

13.5 The government's ID trials in selected local authorities during the 2018 and 2019 English local elections 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. The trials were conducted in a setting highly dissimilar to that of a typical general election, which is likely to attract higher numbers of voters from much more heterogeneous backgrounds. In its evaluation of the 2019 pilots, the Electoral Commission stated: 'Important questions however remain about how an ID requirement would work in practice, particularly at a national poll with higher levels of turnout.'

7. https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/electoral-fraud-data/2018-electoral-fraud-data

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

9. https://www.statewatch.org/news/2010/jun/eu-council-ID-cards-9949-10.pdf

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

11. https://fullfact.org/crime/voter-id-2019/

12. https://assets.publishing.service.gov.
uk/government/uploads/system/uploads/
attachment_data/file/733128/Electoral_
Integrity_Project_-_Local_
Elections_2018_-_Evaluation.pdf

13. https://www.electoralcommission.org.
uk/sites/default/files/2019-07/ID%20
pilots%20post%20wave%20report%20
BMG_FINAL_pdf.pdf

13.6 As the voter ID pilots showed, the scheme risks disenfranchising far more people than suspected wrongdoers. During the 2019 pilots, around 2000 people were turned away at the polling station for not having ID, with over 700 of them not returning to vote. In 2018, more than 1,000 voters were turned away, with around 350 not returning. As Full Fact, the UK's leading fact-checking organisation, pointed out 'More than four times as many people were prevented from voting in May 2019 due to the voter ID pilot scheme, than have been accused of impersonating someone else at a polling station since 2010.'[11] Given the extremely rare cases of personation fraud, it is hard to justify this level of disenfranchisement for lack of ID.

13.7 As the Electoral Commission stated in its evaluation, awareness of ID requirements differs across demographic groups: those aged 18–34 were less likely to have heard about the pilots than those aged 55+; similarly, those from a BAME background were less likely than white respondents to be aware of the ID requirements.

13.8 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.[12]

13.9 Post-poll research by the Electoral Commission found that electoral fraud is not at the top of electors' concerns.[13] Only one in four respondents (24%) said electoral fraud was a 'serious problem' or 'somewhat of a serious problem', with more (26%) stating it isn't a problem. By contrast, low voter turnout and bias in the media were considered to be a problem by 64% and 56% of respondents respectively. Other issues that came higher in people's priorities were: inadequate regulation of political activity on social media (chosen by 38% of respondents); inadequate regulation of the money political parties spend on their election campaigns (38%), and foreign influence on UK election results (30%). Only barriers to democratic participation for minority groups and intimidation of candidates that stand for election were lower priorities for voters than voter ID (chosen by 22% and 18% of respondents respectively).

13.10 Mandatory voter ID – particularly in a polity such as the UK with no universal, free or cheap access to ID cards – poses a risk to democratic access and equality which far outstrips the levels of personation at the ballot box and the slight increases in perceptions of polling station voting being free from fraud or abuse. We should be focusing on addressing voters' concerns – low turnout, financial interference in elections, among many others – not on preventing voters from exercising their democratic right to vote.