

Briefing on the Elections Bill for its Second Reading

Tuesday 7th September 2021

The Elections Bill is a significant piece of legislation with far-reaching consequences for the way our elections are held. It should be given time for thorough parliamentary scrutiny.

There is a clear need for an elections bill which addresses the many long-standing problems with our elections, as highlighted by the Law Commission and the Committee on Standards in Public Life, but the Elections Bill fails to achieve this. We believe that the government should pause and rethink this bill.

Part One – Administration and Conduct of Elections

VOTER ID

Part One (C1, S1) of the bill contains proposals to require photographic ID at polling stations for UK parliamentary elections in Great Britain, local elections in England, and Police and Crime Commissioner elections in England and Wales.

The introduction of mandatory voter ID represents a significant risk to democratic access and equality, and which could lead to significant numbers of voters being denied a say, as well as making it harder for everyone to vote.

Possession of ID is not universal in the UK. **Around 2.1 million people risk not being able to vote in a general election due to not having recognisable photo ID** according to government data.¹

Possession of ID is particularly low among certain groups of voters meaning this policy would unfairly discriminate against marginalised groups. **Those with severely limiting disabilities, the unemployed, people without qualifications, and those who have never voted before are all less likely to hold any form of photo ID.**²

Proposals for a free elector card fail to address this policy's potential to disenfranchise. Polling suggests that many of those without ID are unlikely to apply for an elector card. When asked about whether they would apply **42 percent of those with no photo ID said they would be unlikely or very unlikely to apply for a free elector card.**³

In addition to leading on local awareness raising campaigns for voter ID, already heavily under pressure local authorities will be responsible for producing and distributing the local elector cards – the details of which have not yet been released. The localised nature of the planned free elector cards risks leading to a 'postcode lottery' in how difficult they are to obtain. **Election administrators have expressed significant concerns about capacity.**⁴

1 IFF Research (2021). *Photographic ID Research – Headline Findings*. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/984918/Photographic_ID_research-headline_findings_report.pdf

2 IFF Research (2021)

3 IFF Research (2021)

4 <https://www.lgcplus.com/politics/governance-and-structure/electoral-administrators-in-capacity-warning-as-elections-bill-is-introduced-06-07-2021/>

5 IFF Research (2021)

6 Cabinet Office (2018). *Electoral Integrity Project – Local Elections 2018 – Evaluation*. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733128/Electoral_Integrity_Project_-_Local_Elections_2018_-_Evaluation.pdf

7 Cabinet Office (2021). *Elections Bill Impact Assessment*. <https://publications.parliament.uk/pa/bills/cbill/58-02/0138/2021-05-07ImpactAssessmentREV.pdf>

8 Electoral Commission (2021). *Public Opinion Tracker 2021*. <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/public-attitudes>

Requiring photo ID at the polling station might put people off voting altogether. Government research found that **over a quarter (27%) of those without any photo ID and a fifth (19%) of those without recognisable photo ID said they would be less likely to vote if they had to present photo ID.**⁵

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, depending on the model used, with the main drivers being additional staff costs.⁶ **The Elections Bill impact assessment states that implementation of voter ID could cost up to £180 million over 10 years.**⁷ Despite this major expenditure, there is no extra funding set aside in the bill for registering the nine million eligible voters who are currently estimated to be missing from the electoral roll.

Voting in the UK is trusted by the public. **Public confidence in the running of elections is at its highest since 2012**, according to the Electoral Commission's latest tracker of public opinion.⁸ Perceptions of electoral fraud almost halved between 2020 and 2021, and data provided by the Electoral Commission each year consistently show that there is no evidence of large-scale personation fraud in the UK.

For more information on voter ID: <https://www.electoral-reform.org.uk/briefing-on-mandatory-voter-id-at-the-polling-station/>
And on the Voter ID pilots: <https://www.electoral-reform.org.uk/a-sledgehammer-to-crack-a-nut-the-2018-voter-id-trials/>

Part Three – The Electoral Commission

Part three of the bill seeks to introduce a 'Strategy and Policy Statement' for the Electoral Commission, to be prepared by the Secretary of State and approved by parliament, which would set out the government's priorities on electoral matters and principles under which the Commission would be expected to operate. The Speaker's Committee would evaluate the Commission's performance against this statement and hold it accountable.

As the primary mechanism through which the Electoral Commission is accountable to parliament, we are concerned that, for the first time, the Speaker's Committee on the Electoral Commission (SCEC) is now composed of a majority of MPs from the governing party.

Part three also seeks to prevent the Electoral Commission from bringing prosecutions under PPERA for breaches of electoral law.

These proposals would restrict the Electoral Commission's ability to properly fulfil its role and would hinder its independence. Ministerial involvement in setting the Electoral Commission's strategy as part of the proposed 'Strategy and Policy Statement' **risks seriously undermining the independence of the Commission and its accountability to parliament.**

The role of our democracy watchdog should be valued, and its powers and resources should be enhanced, in line with the recent recommendations by the Committee on Standards in Public Life,⁹ including powers to obtain information and an increase in the maximum fine for wrongdoing.

9 Committee on Standards in Public Life (2021). *Regulating Election Finance A Review by the Committee on Standards in Public Life*. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/999636/CSPL_Regulating_Election_Finance_Review_Final_Web.pdf

Part Four – Regulation of Expenditure

Part four of the bill seeks to further regulate third-party campaigning in elections. While greater transparency on political finance is desirable, the bill is a missed opportunity to comprehensively update our election finance rules and close the many loopholes present in the current system - such as the lack of transparency around donations from unincorporated associations.

In contrast to tackling these clear problems, charities and UK campaigners have raised concerns that the measures in the bill will have a chilling effect on their activity.¹⁰

It is disappointing that the government has sought to introduce this bill to parliament shortly before the Committee on Standards in Public Life published its report on campaign finance and has missed the opportunity to include measures recommended by the Committee.¹¹

10 <https://www.theelectionsbill.co.uk/news/briefing-how-will-the-elections-bill-affect-campaigners>

11 Committee on Standards in Public Life (2021).

Missing millions

As it stands, the Elections Bill misses a vital opportunity for the government to tackle some of the most pressing concerns in relation to our elections and referendums. Trust in our democratic processes is being slowly eroded by outdated campaign rules, scandals around the misuse of personal data, and the millions missing from our electoral registers.

Polling has consistently shown that the **public views the need for voter ID as far down its list of priorities for cleaning up politics in the UK.**¹² For voters, the real concern is not the potential for personation, but the problems of political finance. Trust in party and campaigner spending and funding is at rock bottom, according to the Electoral Commission, having been in decline since the watchdog's research began.¹³ In 2021, only 14 percent of respondents said they believed political finance was transparent, down from 37 percent in 2011.

Our democracy remains deeply unequal, something which the Elections Bill does nothing to address. **Around 17 percent of eligible voters in Great Britain are missing from the electoral register, due to the lack of automatic registration.**¹⁴ Indeed, a 2018 study of poll workers found that one of the most common problems they faced was citizens missing from the electoral register.¹⁵ Groups most likely to be adversely affected by voter ID are also the least likely to be registered to vote.

Rather than rushing the Elections Bill through parliament, the ERS believes that the government must take heed of the many recommendations that have been made with regards to how we can genuinely improve and strengthen our electoral system, and ensure it is fit for the 21st century.

Resources

Voter ID briefing

<https://www.electoral-reform.org.uk/latest-news-and-research/parliamentary-briefings/briefing-on-mandatory-voter-id-at-the-polling-station/>

Voter ID pilots analysis

<https://www.electoral-reform.org.uk/latest-news-and-research/publications/a-sledgehammer-to-crack-a-nut-the-2018-voter-id-trials/>

Democracy in the Dark – digital campaigning in the 2019 General Election

<https://www.electoral-reform.org.uk/latest-news-and-research/publications/democracy-in-the-dark-digital-campaigning-in-the-2019-general-election-and-beyond/>

12 <https://www.electoral-reform.org.uk/latest-news-and-research/media-centre/press-releases/poll-need-for-voter-id-should-be-least-of-our-worries-say-voters/>

13 Electoral Commission (2021)

14 Electoral Commission (2019b). *2019 report: Accuracy and completeness of the 2018 electoral registers in Great Britain*. <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/accuracy-and-completeness-electoral-registers/2019-report-accuracy-and-completeness-2018-electoral-registers-great-britain>

15 James, T., Wilks-Heeg, S. and Clark, A. (2021). *The UK Electoral Integrity Bill*. <https://static1.squarespace.com/static/58533f31bebafe99c85dc9b/t/609d4a88bd37ac77240b91b1/1620920970763/UK+Electoral+Integrity+Bill+1.00.pdf>