

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## ELECTIONS BILL

*First Sitting*

*Wednesday 15 September 2021*

*(Morning)*

---

### CONTENTS

Programme motion agreed to.  
Written evidence (Reporting to the House) motion agreed to.  
Motion to sit in private agreed to.  
Examination of witnesses.  
Adjourned till this day at Two o'clock.

---

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

**not later than**

**Sunday 19 September 2021**

© Parliamentary Copyright House of Commons 2021

*This publication may be reproduced under the terms of the Open Parliament licence, which is published at [www.parliament.uk/site-information/copyright/](http://www.parliament.uk/site-information/copyright/).*

**The Committee consisted of the following Members:**

*Chairs:* SIR EDWARD LEIGH, † CHRISTINA REES

- |   |  |
|---|--|
| † Anderson, Fleur ( <i>Putney</i> ) (Lab)                             | † Randall, Tom ( <i>Gedling</i> ) (Con)                                |
| † Bell, Aaron ( <i>Newcastle-under-Lyme</i> ) (Con)                   | † Rutley, David ( <i>Lord Commissioner of Her Majesty's Treasury</i> ) |
| † Bristow, Paul ( <i>Peterborough</i> ) (Con)                         | † Shelbrooke, Alec ( <i>Elmet and Rothwell</i> ) (Con)                 |
| † Clarkson, Chris ( <i>Heywood and Middleton</i> ) (Con)              | † Smith, Cat ( <i>Lancaster and Fleetwood</i> ) (Lab)                  |
| Furniss, Gill ( <i>Sheffield, Brightside and Hillsborough</i> ) (Lab) | † Smith, Chloe ( <i>Minister for the Constitution and Devolution</i> ) |
| † Gibson, Peter ( <i>Darlington</i> ) (Con)                           | † Smith, Nick ( <i>Blaenau Gwent</i> ) (Lab)                           |
| † Grady, Patrick ( <i>Glasgow North</i> ) (SNP)                       | Adam Mellows-Facer, Chris Stanton, <i>Committee Clerks</i>             |
| † Hollern, Kate ( <i>Blackburn</i> ) (Lab)                            |  |
| † Hunt, Jane ( <i>Loughborough</i> ) (Con)                            |  |
| † Mayhew, Jerome ( <i>Broadland</i> ) (Con)                           |  |
| † O'Hara, Brendan ( <i>Argyll and Bute</i> ) (SNP)                    | † <b>attended the Committee</b>  |

**Witnesses**

The Rt Hon Lord Pickles

Richard Mawrey QC, Henderson Chambers

Councillor Peter Golds, Leader of the Conservative Group, Tower Hamlets Council

Gillian Beasley, Returning Officer, Peterborough City Council

Assistant Chief Constable Gareth Cann QPM, West Midlands Police, and National Police Chiefs' Council  
Portfolio Lead for Election-Related Crime

# Public Bill Committee

Wednesday 15 September 2021

(Morning)

[CHRISTINA REES *in the Chair*]

## Elections Bill

9.25 am

**The Chair:** Before we begin, I have a few preliminary announcements. In line with current Government guidance and the House of Commons Commission's decision, I encourage Members to wear masks when not speaking. Please give each other and members of staff space when seated and when entering and leaving the room. *Hansard* colleagues would be grateful if Members could email their speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk). Please switch off electronic devices or put them on silent mode. Tea and coffee are not allowed during sittings.

We will first consider the programme motion on the amendment paper. We will then consider a motion to enable the reporting of written evidence for publication and a motion to allow us to deliberate in private about our questions before the oral evidence session. In view of the time available, I hope that we can take those matters formally. I call the Minister to move the programme motion standing in her name, which was discussed on Monday by the programming sub-committee for the Bill.

*Ordered,*

That—

(1) the Committee shall (in addition to its first meeting at 9.25 am on Wednesday 15 September) meet—

- (a) at 2.00 pm on Wednesday 15 September;
- (b) at 11.30 am and 2.00 pm on Thursday 16 September;
- (c) at 9.25 am and 2.00 pm on Wednesday 22 September;
- (d) at 9.25 am and 2.00 pm on Tuesday 19 October;
- (e) at 11.30 am and 2.00 pm on Thursday 21 October;
- (f) at 9.25 am and 2.00 pm on Tuesday 26 October;
- (g) at 11.30 am and 2.00 pm on Thursday 28 October;
- (h) at 9.25 am and 2.00 pm on Wednesday 3 November;

(2) the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Wednesday 15 September	Until no later than 10.25 am	The Rt Hon Lord Pickles; Henderson Chambers
Wednesday 15 September	Until no later than 11.25 am	Councillor Peter Golds; National Police Chiefs' Council; Gillian Beasley, Peterborough City Council
Wednesday 15 September	Until no later than 2.30 pm	Professor David Howarth, Professor of Law and Public Policy, University of Cambridge; Blackstone Chambers

Date	Time	Witness
Wednesday 15 September	Until no later than 3.15 pm	The Electoral Office of Northern Ireland; The Electoral Commission; Association of Electoral Administrators
Wednesday 15 September	Until no later than 4.00 pm	SOLACE; Birmingham City Council
Wednesday 15 September	Until no later than 5.00 pm	Dr Kate Dommett, Department of Politics and International Relations, The University of Sheffield; Professor Justin Fisher, Director of Public Policy, Brunel University London; Darren Grimes
Thursday 16 September	Until no later than 12.15 pm	Conservatives Abroad; Liberal Democrats Overseas; Labour International
Thursday 16 September	Until no later than 1.00 pm	Race on the Agenda
Thursday 16 September	Until no later than 2.45 pm	Matrix Chambers
Thursday 16 September	Until no later than 3.30 pm	Disability Rights UK
Thursday 16 September	Until no later than 4.30 pm	Dr Alan Renwick, Deputy Director of the University College London Constitution Unit

(3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clause 1; Schedule 1; Clause 2; Schedule 2; Clauses 3 to 5; Schedule 3; Clauses 6 and 7; Schedule 4; Clauses 8 and 9; Schedule 5; Clause 10; Schedule 6; Clause 11; Schedule 7; Clauses 12 to 26; Schedule 8; Clauses 27 to 34; Schedule 9; Clauses 35 to 43; Schedule 10; Clauses 44 to 48; Schedule 11; Clauses 49 to 62; new Clauses; new Schedules; remaining proceedings on the Bill;

(4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Wednesday 3 November.—(*Chloe Smith.*)

*Resolved,*

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—(*Chloe Smith.*)

**The Chair:** Copies of written evidence that the Committee receives will be made available in the Committee Room, and will be circulated to Members by email.

*Resolved,*

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.—(*Chloe Smith*)

9.27 am

*The Committee deliberated in private.*

9.29 am

*On resuming—*

**The Chair:** We are now sitting in public. Do any Members wish to make a declaration of interest in connection with the Bill? No.

### Examination of Witnesses

*The Rt Hon Lord Pickles and Richard Mawrey QC gave evidence.*

9.31 am

**Q1 The Chair:** We will now hear evidence from Richard Mawrey QC of Henderson Chambers and Lord Pickles. Before calling the first Member to ask the first question, I remind hon. Members that questions should be limited to matters within the scope of the Bill and that we must stick to the timings in the programme motion. This session will end at 10.25 am. Will the witnesses please introduce themselves?

**Lord Pickles:** My name is Eric Pickles. I am a Member of the House of Lords and I also had the honour of sitting in the House of Commons. I wrote a report for the Government on trying to secure the ballot box, some of the recommendations of which are incorporated in the Bill. It is an honour and a privilege to be with Members of the House of Commons again.

**Richard Mawrey:** My name is Richard Mawrey, I am a QC at the London Bar, practising in the Temple. I have sat as an election commissioner—election judge—in most of the high-profile disputed local authority elections in the past 20 years, particularly those elections involving electoral fraud and other malpractice. In particular the elections in Birmingham, where the trial took place in 2005, and that concerning the former Mayor of Tower Hamlets, where the trial took place in 2015.

**The Chair:** Thank you. Minister, would you like to ask the first question?

**Q2 The Minister for the Constitution and Devolution (Chloe Smith):** I would. First, may I welcome our witnesses? It is an absolute pleasure to have you here. You begin our day with the highest quality.

Richard, you highlighted in your judgment on Tower Hamlets and elsewhere how we see interlocking types of fraud that all together create broad criminality. Would you be able to talk us through the extent of that?

**Richard Mawrey:** Tower Hamlets was a particularly bad example. There, you had a political culture where winning and retaining power was everything. If there were rules, they were to be, at best, circumvented and, at worst, broken. Not only was there electoral fraud in the sense of false votes—almost all postal votes—but the system developed so there was misuse of public funds, which I later decided was bribery, largely as a result of Lord Pickles' initiative to employ a top firm of accountants to investigate the doings of the council, from which it appeared that large sums of money had been diverted for political purposes.

In Tower Hamlets, the trickiest thing of all was manipulation of voters by religious means. That operated within one community: members of the Bangladeshi community, at the instance of the Mayor and his cronies, were being induced by their religious leaders to back one lot of Muslim politicians against another lot of Muslim politicians. It was not, as you might expect, Muslims versus the rest. They were saying, "If you are a good Muslim, you will vote for Lutfur Rahman and his chums. If you are not and you vote for someone else, whether Muslim or non-Muslim, you are beyond the religious pale." Clearly, that was unacceptable, therefore I made my findings of undue religious influence.

There were also other things, such as the provision in the Representation of the People Act 1983 whereby you cannot make false statements about the personal characters of the other candidates. You may remember the case of Phil Woolas up in the Manchester area. If you go beyond that limit and go public saying, basically, that your principal opponent is a racist who supports racists organisations, when it is totally untrue, that is, again, unacceptable.

You have virtually the whole catalogue of offences laid down by the 1983 Act; they were almost ticking the boxes, one by one, as they did it. That is what happens when you have a political culture that gets corrupted, in all senses, into the belief that, "The rules don't apply to us. We do what we want in order to get the results." That is the danger that one perceives. Of course, Tower Hamlets was an extreme case.

The other cases that I tried were largely cases of straightforward voter fraud using postal votes—misuse of the actual votes themselves: stealing them, altering them, and that sort of thing—or putting on the register people who had no right to be there, either because they lived somewhere else or because they did not exist at all. Those are the problems that I have seen, although I must emphasise that my experience is entirely with local authorities, naturally, because parliamentary elections are tried by proper judges, so to speak.

However—I think that Lord Pickles will agree with me here—local authority elections are the easiest to manipulate. You have relatively small electorates, a relatively small geographical area, and communities, although not necessarily racial or religious communities, that can operate as a sort of support mechanism in any frauds that you are perpetrating. I do not expect a large amount of fraud in parliamentary elections, referendums, or anything like that, but it is a serious problem in local elections. I do not think that Lord Pickles would disagree with that.

**Q3 Chloe Smith:** Across a selection of your cases—Tower Hamlets, Birmingham, and Slough—we see the range of corrupt practices, also known as crimes or elections fraud, including, as you say, postal voting practices, proxy voting practices and personation, notably, in Slough.

**Richard Mawrey:** Not so much proxy. Proxy votes are very rare, and proxy fraud is very rare. It is mostly personation, of both kinds: putting the wrong people on the register—what the Australians call "roll stuffing"—and misusing genuine votes for genuine people by diverting them, altering them, or, in some cases, simply destroying them.

**Q4 Chloe Smith:** Thank you. Two questions, if I may: would you agree that, where one of those avenues may be cut off by the law, criminals might turn to others? Criminals, by nature, are able to use a range of techniques, and, naturally, wish to do so. Secondly, may I ask for your assessment of who the victims of such crimes are? Where does the harm fall?

**Richard Mawrey:** I think the harm falls on the community as a whole if you have someone who is elected as a councillor, let us say, but has no right to be because the votes cast on their behalf are false. Take Birmingham, for example: in the two wards that I tried—although it was actually fairly common in all the wards with a substantial Muslim population—approximately half of

the votes cast for the winning candidates were false. That is serious. The winning candidates got between 3,000 and 4,000 votes each. It was three per ward, so they got that, and their rivals got 200 or 300 below.

Of those 3,000-odd votes, somewhere between 1,500 and 2,000 were completely bogus. They were votes that had been harvested in various ways—not, funnily enough, by putting bogus people on the register. They had stolen voting papers. They had applied for votes to be sent to the wrong address. They had gone down streets collecting the voting papers from houses in multiple occupation—they would get themselves in and there was a huge pile of voting papers. They knew they would be there because they had applied, without the knowledge of the voters, for those votes to be postal votes. They went in, there was a pile of postal votes and the inhabitants of the block did not know. They collected the lot and filled them in.

If any of the people living in those houses went to vote in person, they were told, “Oh no, you voted by post,” much to their annoyance, as you might imagine. I had witnesses called before me who said, “I went down to the polling station expecting to vote, but they said, ‘I’m sorry, Mr Jones, but you’ve already voted.’” He said, “No, I haven’t,” and they said, “Oh yes, you’re marked: we’ve got your ballot paper.” So they, of course, are the losers.

The other thing is that if you have a culture of political corruption, it seeps into all other life. I think of the money in Tower Hamlets that could have been spent for the benefit of Tower Hamlets but that was actually being spent on providing, in effect, free meals for voters—which is what they were doing, among other things—and subsidising organisations that had not asked for a subsidy. Tower Hamlets is not a borough that has money to spare or to throw around, and I felt that the people who had lost out—I said this in my judgment—were what I might call the rank-and-file members of the Bangladeshi community that they were claiming to represent. They were the losers. If they were looking at it in any sort of tribal way, they were doing down their own kind—the people they were claiming were their power base. That is not tolerable.

**Q5 Chloe Smith:** Eric, you then had the opportunity to follow up on Richard’s work and to say what ought to be done about it. Is it still your view that something ought to be done about all of those things?

**Lord Pickles:** Yes. In terms of vulnerability, there might be the odd seat in the House that is vulnerable, but this is about local government. I think it would be a big mistake to say that this is just about voting, democracy and elections. It is actually about power and money. A place like Tower Hamlets has a budget of £1 billion. Many of the large cities have budgets of large sums of money. Even a small district council has considerable ability to dispose of assets and to make appointments.

The reason I put commissioners in Tower Hamlets was, like many things, based on quite a small thing. I looked at the small grants that were available to many organisations, some of which could be distributed by councillors. They were there to relieve poverty. I had a map that showed me where the grants had been distributed and another map that showed me where the deprivation was, and there was no relationship between the two. Then, I looked at the number of decisions that had been

overturned by councillors and the number of decisions they had granted without a business plan. It was on that basis that we decided to put the thing through.

I was asked to look at it and we started taking evidence on the types of fraud. I have been involved in politics for a long time and have seen most things on the street, but I was quite shocked by some of the frauds that were being committed. Richard will be able to tell you about warehousing. There was a warehouse in Birmingham, I think, where they were literally changing the ballot papers on an almost commercial basis. There were things like carousel fraud, where a ballot is palmed—a fresh ballot is taken out, filled in and given to another person and it is palmed—as a way of controlling the election; landlords insisting on seeing a photograph of their ballot being completed; and people suddenly finding out that their landlord has registered six or seven people at their house just before an election, only for their names to disappear afterwards.

It is really important to understand that that is not endemic within the system; it is an example of how vulnerable the system is. If Tower Hamlets represents the future, we have to ensure that that future is terminated. We probably will not be burgled, but we lock our houses. The measures in the Bill are moderate and reasonable, and they ensure at least that we will not find some of our large cities run by kleptocrats—this is about rewarding friends; it is not necessarily about politics. Sorry, I went on a bit there.

**Richard Mawrey:** Could I just come in here on what Lord Pickles has said? The Bill addresses something that was a real problem in Tower Hamlets: the registration of political parties. The Electoral Commission blithely signed off Tower Hamlets First as a party, but it was a joke. It had no premises, and it had—as I discovered to my amazement by asking questions—no bank account. I said to Lutfur Rahman, “If I want to give a donation to your party, do I have to come along with an envelope of used non-consecutive fifties?” Obviously, he was dying to say yes, but that would clearly have been the wrong answer. You can see the levels to which it has come. If anyone can just say, “I am a political party,” and give themselves a name, you lay yourself wide open, particularly once they are registered and can say, “I am a registered political party and have all the rights of a registered political party.”

**Lord Pickles:** The system is vulnerable. To misquote John Major, it is about old maids cycling to evensong and drinking warm beer, and in most places, that rather twee, gentle system kind of works. When I was a councillor, in gentle rural villages in my own wards, it was fine, but where there is money, we have to protect the integrity of the ballot and of governance.

**Q6 Cat Smith (Lancaster and Fleetwood) (Lab):** Richard, can I start with you and the Tower Hamlets examples that you have already outlined? Thank you for that. You said that in Tower Hamlets there was a wide range of different types of electoral fraud that was used to try to manipulate. I was particularly struck by what you said about public funds being diverted for political advantage. Does anything in the Bill prevent public funds being diverted for political influence?

**Richard Mawrey:** The Bill, as I read it, does not make any particular changes to the laws relating to bribery. The laws relating to bribery, in actual terms under the

1983 Act, are quite clear. The problem is that bribery was a common law offence, and it then became a statutory defence under the Victorians. Before the secret ballot, the Victorians had a system whereby you voted in public and everyone knew how you voted. Rich candidates would simply put money in the hands of the electors, who would not be very large in number, to pay them to go and vote. That was the principal thing that led to both the secret ballot and the introduction of electoral courts in the 1860s.

We have moved on from that now. Very few candidates have the sort of money that allows them to put fivers in people's pockets, so to speak, but they do control public money. The answer is not necessarily electoral law, but better control, particularly in local authorities, of local authority finance. It is better auditing and more independent scrutiny. The law is clear; it is policing it that is the problem. You don't need to change the law; you need to change the policing of it. Would you agree?

**Lord Pickles:** Yes, I think I almost certainly would agree. When it starts to go wrong, it is a terrible thing. I do not think I am betraying confidences, because I am sure they would be happy for me to say this, but the two Labour Members of Parliament within the borough came to see me and laid out all these various things, and said that basically the Electoral Commission was ignoring them, that the police were ignoring them, but there was something deeply wrong within the administration, and they urged me to take action.

Obviously, a Secretary of State can only go in on a reasonable basis, and I went in on a reasonable basis because it seemed to me that the way in which grants were being delineated for every small thing was entirely wrong, entirely arbitrary and not based on fact. So the point is that this Bill is about just tightening up and trying to make the system reasonably proof in terms of personation and various other things. It is not going to cure corruption and it is not going to stop bad people being elected; it just reduces the chances of a community being abused.

**Q7 Cat Smith:** Turning to postal votes, this legislation obviously makes some minor changes to the way in which postal votes are handled, in terms of limiting the number of postal votes that an elector may hand in at a polling station on the day, but there is nothing to prevent postal votes being posted in a post box. So I just wonder whether you consider that the legislation might not be effective in reducing postal votes, which I think you said was the greatest weakness in the system.

**Richard Mawrey:** I appreciate the risk of going on about my King Charles's head. Postal voting is going to be open to fraud, however hard you try and however much you do. Legislation has, since the Birmingham judgment, tried to stop all the mouseholes, but as the old saying goes, the better mousehole breeds the smarter mouse, so you can try and stop all your mouseholes but the mouse will still get out eventually. Obviously you need to tighten up registration, but the problem is resources. If every time somebody wrote in asking to register Mr Jones at 1 Acacia Avenue, if you had unlimited resources you could send someone around to see whether there was a Mr Jones at 1 Acacia Avenue. Had they done that in Slough, things would have been very different.

The thing that blew Slough open was a small road—I still remember its name, Hawtrey Close—of four houses, in which, just before the election, 19 people were registered to vote. What drew the attention of the Labour party, who were on the qui vive for fraud, was that they went along to Hawtrey Close and all four houses had been boarded up and unoccupied for several years. None the less, they had 19 voters in them. Surprisingly, they all voted for the winning candidate. But you couldn't blame the town hall. The town hall said, "Here is an address. It is a perfectly good address." The town hall didn't know that the houses were boarded up. "Here are these people wanting to be registered; we've got to register them." They did not have the resources to send someone out who would look at this thing and say, "Of course there's nobody registered, as there's no one living there." So that is the problem. It is resources, not the law. The law is quite clear: you cannot be registered unless you are a genuine person, living within the ward or constituency.

**Lord Pickles:** What the Bill does is restrict the number of people you can handle. So you cannot go door to door collecting postal votes, as has been common practice between all political parties for a number of years. I did receive quite a lot of representations from people who just hated the whole idea of postal votes and wanted to go back. I am old enough to remember when you had to make a case—you had to get your employer or your doctor to sign to say it was necessary. But I took the view that it would be just about impossible to turn the clock back and go back to that kind of system. It is probably not fashionable to mention Richard Nixon, but he was told, "Once the toothpaste is out of the tube, it is awfully hard to get it back in."

Rather than trying to go back to what was, in some people's eyes, a golden age, we need instead to restrict it. Returning officers tell me of people arriving at 6 pm on polling day, which as we all know is a busy time, with a crisp packet box full of postal votes—perhaps 200, 300 or 400, which all have to be separately verified, which slows the process down. It could be that that is all straightforward, but I do not think so. It is trying to restrict the handling of postal votes, ensuring that parties cannot pick them up—I think the Labour party went round with a mock ballot box to put papers in. I am not suggesting that it was attempting to do anything wrong—it was trying to get the vote out—but it is important to demonstrate that a vote is important and should not be handled by anyone other than the voter.

**Q8 Cat Smith:** I wanted to pick up on the example given of Birmingham, which was quite a long time ago. The laws around postal votes and electoral registration have changed since, and a national insurance number is now required, or an electoral registration form with a date of birth and a signature on the postal vote return slip. I wonder whether the example given, of a street where people were registered and postal votes applied for, could happen under the existing law today and the changes that have been made.

**Richard Mawrey:** It certainly could happen. Instead of having 19 entirely fictitious people living at the address, someone could—if they have sufficient organisation—get entirely genuine people who just live somewhere else. That was done in Slough, where a whole lot of people were registered who actually lived in Walthamstow. Walthamstow did not have elections, so the people were

not voting twice. The people registered in Slough by the fraudsters were genuine people, with national insurance numbers and everything—they would have been A1 at Lloyd's—but they just did not live there. They claimed to have moved just before the election and, curiously, moved back to their old houses just after the election. It was of course fraudulent, and not one of them had set foot outside Walthamstow. Their names were being used, with their permission and their connivance. If someone knows their national insurance numbers, it can be done without their connivance, because the signature on the application form for the postal vote can be replicated if someone has a copy of it.

National insurance numbers were not needed back in 2008, when I did Slough. It is difficult now to put a completely fictitious person on the register, but it is not difficult to harvest votes, with or without consent, from real people who live somewhere else. Of course, the old Irish habit was to vote the graveyard.

**Lord Pickles:** In terms of warehousing, where the ballots are changed, the signature would not be touched because it is outside the envelope. It is the envelopes that are opened and the vote changed. The signature authenticates something that has been changed subsequently.

**Q9 Cat Smith:** If I understand it correctly, Richard, in most cases it would require the consent of everyone involved. The people registered at an address that they were not actually living at would need to provide their national insurance numbers—they would have to be in on it. That makes it harder to do on a bigger scale, which feeds into your point that the smaller electorates of local government make it easier to manipulate the outcomes than in a parliamentary election. Given that, does it therefore follow that increasing the turnout at an election makes it harder to commit electoral fraud, so a higher turnout is a good mitigating factor against electoral fraud and a good weapon to combat it?

**Richard Mawrey:** I think that is absolutely right, because fraud is obviously a relatively risky occupation, and the more bogus votes you have to put in, the more difficult it is. That is why it is very rare in parliamentary constituencies and would be completely unfeasible in any form of referendum, even a local referendum. However, when 50 or even 100 votes is likely to make a difference, then the game is worth the candle, unfortunately.

**Lord Pickles:** To be clear, nobody really cares that much about Parliament. There is no money in Parliament. You would have to be certain that someone was eventually going to get to a point where they would actually be issuing contracts. However, there is plenty of money in local authorities. As you are probably well aware, there have been, I think, two attempts to unseat a Labour MP using these kinds of methods. Pleasingly, they fell well short, and I was pleased to offer help and assistance in that, because it is massively important that this place remains absolutely secure, but the real money is in local authorities, not here.

**Richard Mawrey:** And, of course, a local councillor perversely has rather more influence, particularly in the sorts of boroughs where influence is perceived by the public to matter—“Oh, yes, he can swing this for me. He can swing that for me”—far more, curiously enough, than the MP himself or herself, who may be seen as a rather distant figure who you might go and moan to if

your granny is not getting proper treatment from the NHS, or something like that. If I may say so with respect, you are not handling the readies: you are not dishing out jobs or contracts, and that is why people are keen to become local councillors. In some cases, it is a different sort of keenness from the keenness to become a Member of Parliament.

**Q10 Cat Smith:** My final question is about the resources of local government, because under this legislation, local government will be asked to do more because of the requirement to issue free voter ID cards. Our electoral returning officers are quite stretched already, and the Association of Election Administrators has already made representations about the pressure on electoral registration officers. In terms of their ability to spot potential fraud, given the increase in workload and the cuts to local government, do you have concerns about the resources of local government to be able to do their jobs, frankly?

**Richard Mawrey:** I know it is not in your Bill, but it occurred to me that a solution—although not necessarily one that the Electoral Commission would welcome—would be if the Electoral Commission had resources so that, if necessary, it could assign someone. If a local registration officer or returning officer said, “I think we have a problem, but we cannot handle it because we do not have the resources,” the Electoral Commission could, under this theory at least, put in what might be termed a hit squad to go and see what was going on and deal with it.

That would also have the benefit that this would be an independent, external body coming in, so the local councillors and the local officials would not be getting local flak. These would be people rather like the commissioners appointed by Lord Pickles to go into Tower Hamlets, who were completely independent of the borough and were therefore able to find out all about the financial misappropriations and so on. We have the ability to put in external people. Frankly, I would not necessarily rely on the police, because one, they are overstretched, and two, they do not have the available techniques, resources and skills to deal with this—and they hate doing it, and they make quite clear that they hate doing it. My suggestion is that the question of whether the Electoral Commission itself might be able to assist might at least be considered at some future time. I do not know whether you would go along with that.

**Lord Pickles:** This is a really important question. If you go to a count, say for Parliament, the chief executive turns up or maybe the mayor, and I as the returning officer—the person who is doing the work is not them, and for too long, electoral registration has been in the legions of the damned. They are forgotten about and not properly resourced.

If chief executives understood that it was part of their terms of contract to deliver a fair poll, and that they would be personally held responsible, that would be an important point. The point that you make about electoral returns being poorly resourced is absolutely right. I do not think that it would take an enormous increase in resources to improve the situation, but what is in the Bill makes their life that bit easier because there are fewer things for them to worry about. I agree with the substantive point that you make.



**The Chair:** I have a long list of Members who want to come in, so I ask Members to keep their questions short, and witnesses to shorten their answers. I will endeavour to get everyone in.

**Q11 Alec Shelbrooke** (Elmet and Rothwell) (Con): I am seeking a comment on what I am about to read to you. I apologise to the Committee that what I am about to read is exceptionally offensive and, frankly, quite evil. This relates to the Batley and Spen by-election. This is something that happened in June of this year. What I am about to read to you we were not able to trace, no matter how hard we tried, but I seek your comments on it. This relates to your comment on religious pressure:

“Brothers & Sisters of Batley & Heckmondwike I am publicly calling out members of our communities who we have supported in the past: Shabbir Pandor, Ghulam Maniyar, Dr Rajpura and others who have shamelessly brought the Labour Candidate (who is openly Lesbian) to the ‘Masjids’ (the house of Allah) for votes. Would Allah be happy with their actions considering he destroyed the people of Lut A.S which is clearly referenced in the Holy Quran as a lesson for mankind? We are already powerless in schools against forced LGBT education and the effect it is having on our children. Must people from our community promote this agenda too? Mr Maniyar who is part of the Muslim burial committee is trying to land his daughter Fazila the job she previously had under the late Jo Cox. I ask him ‘Would you like to be buried with this on your conscience? You are promoting an MP that could potentially harm the Imaan of our children.’ This is not an endorsement of another party or candidate. I want you all as a community to understand that the blind loyalty to the Labour Party of these people for selfish gains be it ‘peerages’ or ‘better job roles’ is being asked FROM US at a cost of the corruption of our future generations. (PLS SHARE THE TRUTH SO PPL MAY KNOW)”.

I apologise for how offensive that was, but I think it is important to the Committee. That was in June of this year, in the parliamentary by-election. I seek your comments on what I have just read.

**Richard Mawrey:** I quite agree with you that it is offensive, but there is an obvious line to be drawn regarding individuals expressing strong, perhaps bigoted, perhaps extreme religious or indeed ideological views, for example against LGBT people and so on. The key, I think, with religious influence is that, first of all, it has to be directed. Directed against a candidate is perfectly okay for what was, I think, section 115 of the Representation of the People Act 1983, because it is just as much an offence to try to get somebody unelected as to get a named person elected. Quite often if something false is spread about a candidate’s personal character, so as to engage, I think, section 113, it does not matter that that may not be directed to the election of any other person, but just in order to get a candidate unelected, as it were.

The point about religious influence is that it has to be a way of influencing people. The fact that somebody expresses a view such as that might just fall short. If that person were himself an imam, some other religious teacher, or somebody of standing within the community who is saying, “Don’t vote for this candidate because their views are against our religion,” then you probably might breach the threshold of undue influence, because people would be voting not on general principles but on strictly narrow sectarian principles. That would be true of any religion; it just happened in this case to be Muslim.

**Lord Pickles:** I have nothing to add to that. I agree with everything that Richard said.

**Q12 Brendan O’Hara** (Argyll and Bute) (SNP): I have a couple of questions, directed to both of you, but I will start with Lord Pickles. You said that there have been some shocking examples of postal vote fraud, and you gave some examples. However, you said that it is not endemic in the system but that the system is vulnerable. Do you think that, with the system being vulnerable, we are missing an opportunity to tighten up on postal vote fraud in the Bill? It does not seem to be a huge part of the Bill. Given what you have said, the Bill seems to be almost looking in the wrong places to tighten up on fraud. Where could we tighten up more on the postal vote fraud that you say is not endemic but to which the system is vulnerable?

**Lord Pickles:** Thank you. That gives me a brief opportunity to clarify the remarks. If postal vote fraud was widespread, it would be too late, and this place would be stuffed with people with a vested interest in keeping a vulnerable system. It is vulnerable. We have delineated a number of court cases, over several years, and showed how vulnerable it is. What we want to do is to close that.

Obviously, it is up to the Committee to move various amendments further to restrict postal votes. The recommendations that you have here plough a middle route between taking away from things that people have become very used to and restricting too much. For example, having to renew every three years is important; restricting the number of people who can handle postal votes is important. As Richard says, postal votes are by their very nature more vulnerable than votes at the polling station. Things like carousel fraud are no less possible, but they are hard to do.

You have to come to a judgment. Certainly, I would urge you to put down some amendments to test the Government on restrictions on postal ballots. However, in many ways the horse has bolted on that—people have become used to it. Going back so that everybody voted in person, except in cases of illness or business, would probably be a step too far, but it would certainly be worth putting down a probing amendment. Obviously, I am not saying to my Conservative colleagues that they have to vote for it, but nevertheless it would be a good debate.

**Q13 Brendan O’Hara:** The problem that you have both identified is around postal voting, and the examples of personation that you have given have been pretty few and far between. It is fair to say from what you have said that where the system is most vulnerable and weak is around postal voting.

Richard, you were talking about a particular culture that existed in Tower Hamlets and manipulation by religious means. You said yourself that that was an extreme case. The Tower Hamlets example has been used in previous debates to claim that voter ID cards are absolutely necessary. In your opinion, how would voter ID cards at polling stations have changed what you witnessed at Tower Hamlets?

**Richard Mawrey:** Tower Hamlets would be a bad example. In Tower Hamlets, as I said, they virtually ticked every box of electoral offence. But for my being rather kind-hearted, they would have ticked the intimidation box as well—they ticked them all. Voter fraud played a very small part, funnily enough, in Tower Hamlets.

There was a handful of personation cases. Because they were orchestrated by the candidate, they were enough, as it were, to get him over the line.

If you as the candidate, or as an agent of the candidate, procure one false vote, you are out. It is all or nothing: you do not have to show that it made a difference. There was simply a handful. I regret to say that, in that case, a number of people who were carrying out these frauds by registering themselves at the wrong address were people who were councillors who lived outside the borough and registered in the borough, but that was a rare occurrence.

Birmingham, in particular, Slough and Woking were all cases that were purely postal fraud. Voter ID at polling stations, frankly, is neither here nor there. Personation at polling stations is very rare indeed, because it is so dangerous—if someone turns up to a polling station and says, “I am Mr Jones of Acacia Avenue”, and somebody says, “I know Mr Jones; you are not him”, the next thing is a policeman’s hand on his shoulder and he’s up at the local Crown court—but postal vote personation, whereby you are voting in the name of a non-existent person or a person who lives somewhere else, is very difficult to detect and to trace. It is only when you have a full-scale petition that it comes to light and you are able to unseat someone.

Voter ID in polling stations is all right, but voter ID for the purposes of registering votes would require checking. If you do not have a mechanism to check—even just to spot check—then registering people at addresses where they do not live, which is the key to that sort of postal fraud, which is a form of personation, voter ID is going to be quite difficult to operate. What you need is simply to check that if Mr Jones is registered at 1 Acacia Avenue, there is a Mr Jones living there. That takes money and resources. We do not have an identity card system in this country, for good or ill, so there is no way, obviously, of cross-checking that. Voter ID only takes you so far with postal votes. Beyond that, the system is vulnerable, and necessarily vulnerable.

**Lord Pickles:** Thank you for the really interesting question. I did not recommend photo ID, but I think things have moved on since then. I was very interested to see that the Government said that 98% of the population has some form of photo ID. To emphasise the importance of voting, to be able to demonstrate that you are that person by producing, in my case, my bus pass—I could not use my driving licence, because I still have a paper one; I am that old—or something from work is a very sensible process. It occurs to me that the 2% who do not have any kind of photo ID might in itself have a wider use beyond voting in a polling station. It is an important check and a way of emphasising the importance of the vote. If Barack Obama can sign for his ballot paper, which might be an alternative, it is not unreasonable to have the same level as we have for getting a pair of Nike trainers from Amazon.

**Q14 Brendan O’Hara:** That is a purely subjective view. The fact that you did not recommend photo ID in your report and it is now being introduced would suggest that it is a solution seeking a problem.

**Lord Pickles:** No, not really. I did bear in mind what had happened in Northern Ireland. I am sure you will recall that it started with paper ID for the first few years and then went over to photo ID. A lot of things have

happened. Essentially, what the Government are suggesting, so far as I can follow what they are doing, is that we are moving to the Northern Ireland system without an intermediate stage with paper ID—

**Q15 Brendan O’Hara:** Sorry, Lord Pickles, can I interrupt? Are you seriously suggesting that the situation in the United Kingdom in 2021 bears any similarity to the situation in Northern Ireland in the 1980s and 1990s?

**Lord Pickles:** In what respect? I do not understand the question.

**Brendan O’Hara:** Well, you say we are moving to the Northern Ireland system. The Northern Ireland system was introduced for very specific reasons. Are you saying we should move to the Northern Ireland system because there are similarities between what is happening here in 2021 and what was happening in Northern Ireland in the 1980s and 1990s?

**Lord Pickles:** I think you are putting words in my mouth. My remarks on Northern Ireland were restricted to the point that at first there was a paper check, and then photo ID. The Government are suggesting that we move on to photo ID now. What has changed since 2016 is the growth of photo ID. It is important to be able to demonstrate who you are when you go to the polling station, not just in order to deal with personation but to emphasise the importance of the vote. No doubt you will spend many happy hours together debating that point. I shall read the debates with great interest.

**Q16 Aaron Bell (Newcastle-under-Lyme) (Con):** I wanted to pick up on your point about policing, Mr Mawrey. You have been very critical, in both your judgments and your previous evidence to Parliament, of the police and their determination not to get involved. My question is twofold. What does that imply about how many cases have not been brought that perhaps ought to have been? Does the Bill empower the police, and would you expect them to be more willing to be involved in future?

**Richard Mawrey:** Those are two separate questions. One was whether the police are empowered. They have the necessary powers now. In the aftermath of my critical remarks in the Birmingham judgment, a number of forces had designated officers to deal with the issue, but for various reasons, there were never enough officers for some to be spared to deal with electoral matters only, so they tended to be somebody who added this issue to his or her other duties—say, with the fraud squad, or whatever it was. They did not have the time or resources, because obviously this was regarded—not unreasonably—by some police forces as being very low priority. They tend to think, “This is a squabble between politicians. Let them sort it out.”

In certain areas—Tower Hamlets is a good example—the police force was wary of the local politicians, who were, of course, only too anxious, particularly in the case of Lutfur Rahman, to meet any sort of criticism or investigation with cries of “Institutional racism!”, mentions of the Macpherson report, and all that. The police were wary of dealing with that. They have the powers; whether they have the resources and the will is an entirely different matter.

On whether lots of cases are going undetected, the answer is undoubtedly yes. It is very difficult to prove fraud, and when you have proved it, it is very difficult and time-consuming to prove who benefited from it. In some systems—in Australia, for example—you can prove fraud until you are blue in the face, but you no longer prove who benefited from it, so anyone elected with fraudulent votes stays elected. That is obviously not a good idea. What you see in the cases that I try is the tip of the iceberg, and those cases exist only because concerned citizens are prepared to put their money—their houses, sometimes—on the line in order to fight that fraud. You can end up, as the petitioners did in Tower Hamlets, with a large order for costs against someone who cheerfully declares themselves bankrupt, and you find yourself having spent a fortune doing what you think to be right, only to see none of that money back.

What the Bill does not deal with, although it might have done, is any reform of the process of electoral petitions, trying disputed elections, and all that—things on which Lord Pickles and I have given evidence on other occasions. I am sorry that it does not deal with that, but it is a big, long Bill; perhaps you will get round to it later. The idea that it should be made easier for elections to be challenged by citizens or candidates, and less expensive—

**The Chair:** I am sorry; I have to come in there. We have one minute left, so we can have a very short question and answer.

**Q17 Fleur Anderson (Putney) (Lab):** I have a very short question. To clarify for the record, what was the proportion of postal vote fraud, as opposed to in-person, polling station fraud, in Tower Hamlets and Birmingham? I think you have said that all the fraud in Birmingham was postal votes, for example. Is that correct? What was the proportion in Tower Hamlets?

**Richard Mawrey:** The proportion proved in Tower Hamlets was very small—really only a handful of votes were proved to be fraudulent. It was enough, because they had been orchestrated by the candidate himself.

**Q18 Fleur Anderson:** Do you have the number of postal votes?

**Lord Pickles:** To get a prosecution, you do not need to prove everything; you just need to prove some. I agree entirely with the point about electoral petitions. I would like to put that on the record.

**Fleur Anderson:** Have the elections in Birmingham and Tower Hamlets—

**The Chair:** Order. I am afraid that brings us to the end of the time allotted for this panel. On behalf of the Committee, I thank our witnesses for their evidence.

#### Examination of Witnesses

*Councillor Peter Golds, Gillian Beasley and Assistant Chief Constable Gareth Cann QPM gave evidence.*

10.26 am

**The Chair:** For this panel we have until 11.25 am. I will bring in Cat Smith first and then the Minister, but please take no more than 10 minutes each, in order to leave time for Back Benchers.

**Q19 Cat Smith:** Thank you, Ms Rees. My first question is to the witnesses from local government. What will be the practical and cost implications for electoral administrators and councils of implementing the Bill's voter ID proposals? Also, what pressure will there be on electoral administrators as a result of having to cope with two different categories of EU citizens when it comes to voting rights—whether they are a qualifying EU citizen? Do you anticipate any difficulties in managing that, and what kinds of resources do you expect to have to increase or bring in to meet those difficulties, as well as the requirements to administer free ID cards?

**Councillor Golds:** Is that for me first? Remember that I am an elected councillor, rather than an official, but obviously I can give you some ideas because I am extremely familiar with the electoral services department of Tower Hamlets Council and how it interfaces with the rest of the council. The electoral services department does understand the need to clean up the system we have, and I believe that there is a will within our council to provide extra resources to electoral services, but of course it is the Government who pay costs toward electoral services. One thing that the department often complains about is the adverts that go out when there is an election, because suddenly they will be inundated when tens of thousands of people ask, "Am I on the electoral register?" A quarter of a million people apply to go on the electoral register, but about 85% of them are already on it, so electoral services are sitting there saying, "Yes, yes, yes." That is expensive and time consuming.

**Gillian Beasley:** There are important resource implications for both areas. Looking at how electoral services teams will have to respond, we certainly anticipate that having to produce these new electoral identity documents will require additional resources. We know from experience that voters tend to turn their minds to voting very close to polling day, and if they discover that they do not have the requisite documents to prove their identity and we have to issue those documents, we will probably see a surge at what is the busiest time for electoral services teams, the pre-election run-up, when they are dealing with late registrations, and proxy and postal vote applications, so there will be resource implications for them.

Returning officers, which is what I have been since 1999, will probably have dedicated teams that are able to do that, because when someone discovers that they do not have the requisite documents and they need to bring in other documents, depending on what those are, they sometimes do not bring the right ones and we have to send them home, so there is a lot of administrative burden in that regard. We will also need to train and resource that at polling stations in a better way, because there will be problems in polling stations over this. We need confident presiding officers who understand the law and are trained well, so there will be additional burdens there.

I think that in our arena, in particular, there will be significant resource issues. It is not the case that we do not want to do it; we just need to ensure that is highlighted at very busy times during the electoral process, because of voter behaviour. That has been our experience in Peterborough, and I am sure that it is the experience of other returning officers.

**Assistant Chief Constable Cann:** From a policing point of view, it is difficult to estimate with any precision what the resource impact might be. Some elements of the Bill, if put into law, might go some way towards helping. For example, voter ID could potentially help to avoid various demands that we have around it. I do not want to overstate that, because it would not be a huge thing, but it could be helpful. On the other hand, until we understand fully what is involved in the digital imprints regime, for example, it is a little difficult to be precise about the likely impact on police resources at the moment.

**Q20 Cat Smith:** If I may follow up on that, my question to you, Gareth, was going to be slightly different. It is on the policing of electoral fraud, particularly in relation to overseas voters. With regard to overseas voters making political donations that are unlawful, or voter fraud, what powers does the UK have to detect infringements and prosecute?

**Assistant Chief Constable Cann:** With regard to any infringements that might be committed overseas or by non-UK citizens, for example, our powers to deal with that are very limited.

**Q21 Chloe Smith:** I welcome all three witnesses. I have one question for each. Councillor Golds, thank you for giving us your time today. Can you tell us a little about the experience on the ground of how people might have been victims of electoral fraud in Tower Hamlets, and perhaps how difficult it can be for some of those stories to come forward?

**Councillor Golds:** I have been studying it. I have been involved in elections in the borough for 20 years. I should quickly declare that over the years, I have been an election agent in 13 general elections. In fact, I have been an election agent for every kind of election we can have in this country, from Parliament and European Parliament to GLA, GLC and local council, and I have never seen anything like what I saw in Tower Hamlets.

The thing that always upsets me, and that I find terribly disappointing, is that ordinary people's votes were effectively stolen. When I knock on a door, somebody will say to me, "Mr Golds, my father used to vote for Mr Attlee." I smile at them, and then they say, "But what's the point of voting now?" The problem is that, as both Mr Mawrey QC and Lord Pickles said, those are the people whose votes have been stolen. Most of all, however, there are our Bangladeshi voters, who sometimes come forward and say to me, as their local councillor, "Can you provide this information?" I say, "But you have to go on record, otherwise it is hearsay," and they will then say, "I'm frightened to do so."

That is a very intimidating situation, and I have to say it is not only in Tower Hamlets. Mr Shelbrooke read what had happened in Batley and Spen. A few years ago I took a friend of mine, who had contested an election in Calderdale, to meet the Electoral Commission. It was a waste of his time, because the Electoral Commission, as it so often is, was completely uninterested. He had a dossier as large as the one I brought with me today, which he handed to the Commission; as far as I know, it is probably still sitting in an archive, gathering dust.

**Q22 Chloe Smith:** As a brief follow-up, could you please explain what types of fraud people may have encountered? Be specific; is it personation, postal votes or other types?

**Councillor Golds:** In the election petition, I submitted eight witness statements and approximately 2,000 pages of backing documentation, covering as much as possible. That includes, for example, where we tracked fraudulent postal votes using postal vote returns in the election data. You can see how things were marked on postal voting.

Tracking personation is much more difficult, but I will give you an interesting example. In the 2010 mayoral election, when Lutfur Rahman was first elected, I wrote one of my many unanswered letters to the Metropolitan Police. At 7.15 on polling day, I was present at Christ Church Primary School polling station in Brick Lane. A man entered and approached the desk where electors from Brick Lane were being processed. He had in his hand a poll card and envelope. However, this poll card was dated May 2010, was issued by the London Borough of Enfield, and referred to the Edmonton general election constituency. He tried to give a name and address in Brick Lane but was unable to accurately do so, by which time he was leaning over to the council staff and trying to point at an electoral register in front of the council and say, "That's me, that's me." Eventually, the council officer started to ask questions, and he left the polling station.

I would add that outside there were supporters of Tower Hamlets First with copies of the electoral register. They mark on the electoral register what we all know exists: the vote return. They know if people vote. They have a list of people who may not regularly vote, and people were coming up, talking to them and effectively being given names to go into the polling station.

If you want another extraordinary example—one that made all sorts of press—it was the incident in the 2006 by-election in the Shadwell ward where a figure, about six-foot-something tall, dressed from head to foot in traditional Islamic gear but with huge red trainers, entered a polling station. An hour later, the same figure entered the polling station, and then an hour after that they entered the polling station.

The Conservative and Labour polling agents then compared notes, rang their agents and were told that the one thing they could do would be to ensure the presiding officer asked the statutory questions. When this person came for the fourth time and the statutory questions were put, he merely hooked up the clothing he was wearing and fled down Bigland Street. Everybody asked the policeman on duty what he was going to do, and he shrugged his shoulders and just said, "Nothing. It's nothing to do with me."

Those are two particularly extreme examples, but I can give you examples of cases, exactly as Mr Mawrey said—I have them recorded—where for houses that were boarded up, names appeared on the electoral register and votes were cast, or where people turned up only to discover that their votes had been stolen. Staggeringly, on 6 May this year, Francis Hoar, the barrister for the election petitioners in Tower Hamlets, went to vote in Lambeth and unfortunately his vote had already been cast on his behalf. That is what went on.

**Q23 Chloe Smith:** Thank you very much indeed. I have a brief question for both Gillian and Assistant Chief Constable Cann. Gillian, thank you very much for joining us; it is good to see you again. We have done

some work together, because Peterborough was part of early pilots on how to tackle electoral fraud, and you took forward measures about postal and proxy voting. With reference to the measures in the Bill—for example, clause 6, introducing the requirement of secrecy for postal votes—could you explain to us the problems you encountered, how you tried to deal with them and how you think the Bill will affect that?

Welcome and thank you to ACC Cann, as well. Given that electoral law can be a relatively niche area within policing, can you tell us how the wider profession works to ensure that the right knowledge, training and capacity are in place in local forces to enable them to play the role that is needed from the police?

**Gillian Beasley:** I will start by saying that we have a very close relationship with the police in Peterborough and our electoral integrity plan is co-produced between us and them. Our police, as well as our electoral services team, have a really good and detailed understanding of the electoral offences in law. There is a lot of co-operation there, which has helped us to home in on where integrity is at risk.

First, I would say that we have seen less personation in polling stations in the recent past. Probably our last prosecution was some years ago, and that is because there are some tight measures not only in polling stations, but around ensuring that we have a good electoral register. We go through our electoral register very carefully, removing duplicate names, and we visit a lot of premises where there are a number of people registered or where we are told there is an empty property, to ensure that they are the right people and that they are real people. Of course, the individual voter registration division has helped tremendously with that.

Where we have issues, as the Minister knows, is in postal voting. That is where our concerns are. The allegations we tend to get are around harvesting. They are allegations of people going into properties where people live—they are proper voters who have applied for a postal vote—and getting that person to make a declaration and signature with date of birth, but not fill the ballot paper. Those are then taken away and the proxies put against the relevant candidate. Those are the allegations. We get allegations about those being taken from properties, and where we get those allegations, we work together with the police in joint operations to visit those premises and make it absolutely clear that there is no tolerance for that and that those properties will be raided. We have never had any prosecutions for that, but we have made a clear statement about not tolerating that kind of behaviour.

The provision on not handing your postal vote to a campaigner is welcome. We will use that as a good communications tool to say to people, “Your vote is your vote. It is important that you post your vote or take it into a polling station.” The restrictions on how many postal votes can go into polling stations is a good provision, and documenting who is going in with those postal votes is important. Harvesting those votes will now be an offence, and although it will be difficult evidentially to get people to make those allegations, to stand by them and to go to court, nevertheless as returning officers we can do some important publicity around that fact: “This is your vote, you must keep it

and it is a criminal offence if somebody takes it from you.” I see some strength there, and I support those provisions.

The other area I think is interesting is around undue influence. That is by far the most difficult; we hear allegations, but it is difficult for people who are subject to whatever form of undue influence or intimidation it may be to feel confident to come forward, give evidence and take that through to a court process. We encourage people to do that, but it is still difficult for them.

The change in the provision on undue influence, where you induce or compel somebody not to vote at all, is important; that covers the point that was made about collecting votes where they have not even been marked. My issue as a returning officer is that I send out thousands and thousands of postal votes, and we get them carefully delivered to the correct premises, but what happens behind those closed doors? It is about getting people to confidently give evidence if they are subject to undue influence or somebody comes and tries to take their vote. As I say, we have a really good relationship with the police, who are prepared to take forward and understand the offences. There is a joint communications plan between us and the police telling people that we will take it seriously, take cases forward and investigate every single allegation that is made, but it is still very difficult to get people confident enough to come forward with those kinds of allegations.

**Assistant Chief Constable Cann:** In terms of developing police knowledge and capacity, I like the description of electoral law being a niche area. I think that is accurate. The RPA is not a widely known piece of legislation among police officers.

One of the reasons that the national portfolio that I lead was created was to raise awareness through some degree of central co-ordination and training across police forces. One of the first things that we recognise is that we are not on our own with this. Gillian has spoken very well about the importance of partnership working between the police, the Association of Electoral Administrators, administrators more locally, the Electoral Commission, the CPS, the parties themselves and Royal Mail. We form strong partnership relationships with a whole range of people, which helps to build capacity and capability within the police service generally.

More specifically, we have established a network of officers, one in every force. We have SPOCs—single points of contact—who are the lead for that force for electoral-related matters. They are knowledgeable in electoral crime and procedure. They usually sit within economic crime teams, but not always. We have created a bespoke training course that is run through the City of London police, which holds particular expertise of its own in this regard. We hold an annual conference for all those single points of contact and a number of other people. There is a very strong, successful partnership from that conference particularly with the Electoral Commission, and with people such as Gillian and other electoral administrators.

We have developed the scope of the portfolio over the last 10 years or so to cover matters of policing the election itself—not just preventing and detecting any fraud, crime or malpractice, but policing the election, so matters of public order and wider security. We have developed guidance in relation to policing elections, which is available on the College of Policing’s website. It

is called “Authorised Professional Practice”, and it is about the way police doctrine is expressed and made available to officers up and down the country.

I like to think that, certainly over the last 10 years or so, we have raised the consciousness in the service of electoral malpractice. It is taken extremely seriously and we have some extremely capable and knowledgeable people involved in the work, but it is fair to say that it is something of a niche area. Most officers will not come across it, and in any event the law is slightly difficult to navigate, even for those who have a particular interest and specialism.

**Q24 Nick Smith (Blaenau Gwent) (Lab):** Good morning to the witnesses. I have two questions to ACC Cann. Do you think the penalties for those committing electoral fraud are sufficient to deter the bad actors?

**Assistant Chief Constable Cann:** I think the penalties vary, because there is a blend of a civil and a criminal regime at play here. I do not know, because I am not an elected person, a candidate or anything like that, but I imagine that the harsher sanction will be around matters such as being disqualified from holding office or taking part in future electoral matters, rather than a specific fine or a direct sanction. In that regard, there is some significant deterrence there. Generally speaking, when matters go to the courts, it is generally felt that the courts are quite keen to address the seriousness of the matter before them and hand down a suitable penalty.

**Q25 Nick Smith:** Thank you for that. My second question is this. Mr Mawrey, one of our earlier witnesses, said something like, “Voter ID at polling stations isn’t necessary because there is very little personation.” What is the incidence of personation at polling stations, do you know?

**Assistant Chief Constable Cann:** I think it is right to say that we have relatively small numbers of those offences coming through to us so, in that sense, it is not a major issue in terms of workload or demand for policing at election time. I imagine that in any case, part of the motivation behind the proposal for voter ID is an element of deterrence. In that regard, if it were to be brought in, we would see some value in that and would broadly welcome that proposal, notwithstanding the fact that, as I say, we do not tend to prosecute or get asked to investigate a significant number of personation allegations.

**Q26 Tom Randall (Gedling) (Con):** Councillor Golds, you gave some examples earlier today about behaviour in polling stations. Had there been a voter ID regime in place in Tower Hamlets previously, do you think the behaviour that you saw in polling stations might have been different?

**Councillor Golds:** I certainly think it would have improved. We had a byelection as recently as 12 October, where in one polling station—the Sundial Centre in Shipton Street—the police were called on two occasions to disperse unruly crowds outside the polling station intimidating voters. That is one polling station in one byelection held this summer. I have to say that Assistant Chief Constable Cann’s description of the police activity is positively Panglossian in its optimism; I just wonder whether any of this has percolated through to the Metropolitan police.

**Q27 Tom Randall:** In Mawrey’s judgment, he described—possibly unkindly—the behaviour of polling staff and the police as taking the three wise monkeys as their role models. Do you feel that after the Rahman trial, the police picked up the issues that arose from it?

**Councillor Golds:** Frankly, no. There was an inquiry organised by the police called Operation Lynemouth, which said in one of its closing descriptions that

“The policing of the election and the subsequent investigation was deficient in too many areas. There was a lack of corporate responsibility, a lack of training and insufficient resources for the SET investigation. In essence, the MPS did not consider the election and investigation a priority.”

Of course, at the time when they were supposed to be dealing with Tower Hamlets, they were also involved in the infamous Operation Midland, which was another subject. Indeed, one or two officers involved in the Tower Hamlets fiasco drifted through Operation Midland, much to my lack of surprise.

One thing about the police that is truly concerning me, as recent as this year, is the need to defend the secrecy of the ballot. The fundamental Act dealing with balloting in this country is the Ballot Act 1872, which says that you vote in secret. That Act has never been repealed. I have before me an email—a complaint—from a resident. They say that upon their visit to their polling station,

“I noticed 2 separate occasions where 2 people were in the polling booths together with the male member ‘influencing’ the female member’s vote.”

That is one person at midday at the polling station where, incidentally, I vote.

This has travelled to the police and is now in the hands of one Trevor Normoyle, who is the detective inspector of the special inquiry team and, to my horror, informed us that he will be in charge of Tower Hamlets next year. He seems to be completely unaware of the requirement for secrecy of the ballot, because he writes to this resident to say, “In relation to the concerns you have raised, inquiries were carried out”—incidentally, the elector reported this to the presiding officer—“and cannot substantiate any allegation that any influence was being exerted within the polling station, nor are any other electoral laws being broken. The reported matter is now closed”. So nothing will be done, but here we had two people effectively instructing others how to vote inside a polling station in London in 2021, which the police are ignoring—

**The Chair:** Order. Can we move on? We are very short of time.

**Councillor Golds:** Okay, but it is an example of the police’s utter failure to look at electoral malpractice in London.

**Q28 Patrick Grady (Glasgow North) (SNP):** Thank you to the witnesses. I have a rather technical question for Gillian Beasley, but I want to ask Councillor Golds a little bit more. A lot of the examples that we are hearing about in Tower Hamlets were described by the previous witnesses as “extreme” and “isolated”. In a lot of the examples, people have been brought to justice. The elections were annulled and the candidates were disqualified. What you are describing is police inaction. If your contention is that the police are not enforcing

the laws as they already stand, what gives you confidence that the Bill will be any more enforceable or make any more of a difference? Is the contention that there is even more going on—there is even more fraud and there are lots of Tower Hamletses out there—and we are just lucky that we are picking up what is happening in Tower Hamlets, and we have to stop it happening elsewhere in the country where we cannot see it?

**Councillor Golds:** Let us be absolutely clear that the disqualification was nothing to do with the police, who completely ignored it. It was done by four brave citizens who lost a fortune on it, because they are liable for everybody's costs, including Lutfur Rahman's.

On the issue of potential Tower Hamletses, they are out there in other places. Commissioner Mawrey mentioned Slough and he mentioned the problem of Woking, where the returning officer himself said that he did not believe that he had declared an accurate result in all his time as a returning officer. There are issues in Bradford and in other parts of the country. Indeed, we heard from one of your colleagues, who read that extraordinary email that was circulated in the Batley and Spen by-election. That would be typical here.

Outside a polling station, in one of my elections, there were people placed to tell every single Bangladeshi voter two subjects: one, that Councillor Golds is a Jew, and the second, that Councillor Golds is gay. To prove the second point, they had an extract from the election address to ensure that it was understood that the person I have lived with for the past 23 years is male. That was done in London in 2010. Please, as Mr Shelbrooke has said, do not say it is not happening elsewhere. The Bill is essential to clean our elections.

Indeed, we have the appalling situation in Peterborough where a fraudster can sit at a polling station, can turn up at the count, can be present at the reception of postal votes and can stand there smirking for selfies. This is a man who has gone to prison for election fraud and who has been disqualified from voting, but who is taking part in elections. We can all see it. This man Tariq Mahmood tweets it repeatedly. We need the law clearing up so that we do not have what Alec Shelbrooke has said happened in the metropolitan borough of Kirklees, which is repeated in Peterborough and seen in Tower Hamlets. We want clean elections so that people on the Isle of Dogs can vote with the same security as Mr O'Hara's constituents, the good people of Argyle and Bute.

**Q29 Patrick Grady:** I want to pick up on some of the questions that Gillian Beasley has been asked about the process of electoral administration. The Bill creates these different categories of EU citizens: EU citizens with retained rights and qualifying EU citizens. How do you anticipate that adding to all the other burdens that we discussed earlier, such as the surge in late voting and the potential surge in late applications for voter ID? How does the creation of yet more categories on the electoral register fit in with the overall package of the Bill?

**Gillian Beasley:** Thank you for that question. I was talking to my electoral administrators this week about those divisions, and there is undoubtedly going to be more complexity around that. It is already quite complex, if you walk into a polling station with a presiding officer, working out what all the letters mean and who

can and cannot vote. I think it means that we need not only highly trained electoral administrators, but highly trained presiding officers. I think it has got a training burden. We are finding it more difficult to get presiding officers because of the complexity, and we will need some really detailed and careful training packages to make sure that the right people get to vote and we administer the register in a proper way. We do expect there to be some burdens and some additional resource needed to ensure we can administer that properly and carefully.

**The Chair:** Gareth Cann, do you have anything to add?

**Assistant Chief Constable Cann:** Nothing specific. Quite a few issues were raised by Councillor Golds there, but nothing specific for me to come back on, other than that it felt to me that the police had not so much ignored that allegation as assessed and investigated it, and unfortunately it could not be substantiated, which they reported back to the interested parties. I have nothing specific to add on the last question.

**Q30 Paul Bristow (Peterborough) (Con):** Gillian, it is nice to talk to you in a different context, and thank you for everything that you do to keep elections free and fair in my city. You are right to say that there have been accusations of postal vote harvesting—I have seen it with my own eyes—so it is good to see that you are comforted that the legislation will help you with that. In the most recent elections in the city—certainly when I was elected in December 2019—the city council placed CCTV at polling stations. Will you explain why you felt the need to do that?

**Gillian Beasley:** In Peterborough, we have a range of measures to make sure that electoral integrity is maintained. The CCTV was a result of personation allegations of individuals going to one polling station to vote and then taking a polling card to another polling station. We decided to observe the polling stations and who was going into them very closely to see if we could pick up evidence of personation and use it in the prosecution.

CCTV is also a deterrent, to a degree. We are open about the fact that we have CCTV. We tell everybody, including the election agents, that that is going to happen, and we say that we will use the CCTV in evidence if we detect that kind of activity going on. Councillor Golds made the point about people congregating outside polling stations. We get to observe that, and if it is happening, we would get the presiding officer—or the police, who are sometimes in polling stations for assistance with personation—to go out and disperse those who are congregating, so that people can walk into the polling station and feel confident that they will not be subject to any intimidation or comment. We use CCTV for a number of reasons: for the purposes of potential prosecution and to keep an eye on what is happening outside the polling station so that we keep it free and enable voters to go in.

**Q31 Paul Bristow:** I have one follow-up question. Would you say that CCTV also gives the electorate confidence in the process and that personation and other things will not happen?

**Gillian Beasley:** I think exactly that. We want to say that we take it very seriously, and that seriousness is exemplified by the CCTV and the measures we have put

in place. It is a confidence mechanism as well, and we communicate that not just to those who are involved in the administration, but to the wider public.

**The Chair:** Gareth Cann, do you have anything to add?

**Assistant Chief Constable Cann:** No, nothing on that one.

**Q32 Fleur Anderson:** My question is also for you, Gillian, on the nitty-gritty of the increased resources that you said will be needed. I know that my children will certainly want the free ID card to be able to go into pubs and nightclubs, so there will be more demand for them all year round. As you said, there will be a peak about two weeks before the election, when people realise that they need it. How many staff do you think you will need all year round to provide those ID cards? How many additional staff will you need in that peak before elections, and how much will the additional training cost? Have you been able to provide the estimate of all the costs of what the Government have asked for?

**Gillian Beasley:** We have not done that yet, but we have started to think about working out how many people we think would apply and how many people would have the ID so they would not have to apply. At the moment, we think we probably need one more administrator just to make sure we have enough before the election. Running up to the election, speaking to my electoral administrators this week, we will probably mobilise a small team of two or three people. The reason for that is because we know that people will come in that surge—people will feel anxious because they will be worried that they will lose their votes, so we need to be responsive and be confident that we can help them. Inevitably, they will not in the first case bring the right documentation—that is our experience—so they will need to go back.

With the surge and the late registration, I think probably one additional person in the team and probably a really good team of about two to three people around the surge period, to deal with the throughput and to make sure that we do not disenfranchise people, which is the worst thing we could do. That is the first thinking that we have, but experience will tell us. We will probably overstate the resource in the first instance so we do not fall foul of it, because we want to make sure that a new provision is properly implemented in our area and gives confidence rather than lack of confidence to the electorate.

**Q33 Fleur Anderson:** How much did the CCTV—really innovative work—cost to put in?

**Gillian Beasley:** We have worked with the police on that, and they have employed some of their CCTV. We were able to use our own CCTV as some of that is in the right place. The cost of the CCTV was not huge. The biggest cost is when we have to act. The police resource in Peterborough is quite considerable on the day. We have police in a van to help us manage what is happening inside and outside the polling stations. We get a good sign up by the police to give us that resource on the day. We do cost that out at the end of every election and we have our policing plan in mind for the next election.

**Q34 Fleur Anderson:** I have a quick question for Councillor Golds. Are you now confident that Tower Hamlets elections are done with integrity? Can the people of Tower Hamlets trust the results of elections now?

**Councillor Golds:** In all honesty, no, because we had the by-election in Weavers ward on 12 August. There were two incidents of mobbing in one polling station. I was interested that Gillian Beasley mentioned the steps they take in Peterborough to deal with mobbing. In Tower Hamlets it can reach dozens, sometimes hundreds, of people. I refer you all to a report by an organisation called Democracy Volunteers, which talks about the mobbing of polling stations and about family voting inside polling stations.

The issue of people being unable to reach a polling station is difficult. I was walking down Shipton Street at dusk on 12 August, which I calculate must have been just after 9 o'clock. There was a woman inside; the presiding officer had called the police, and seven police officers appeared, because she could not get to the polling station without being surrounded by men who were canvassing or harassing her. A woman walking down the street at 9 o'clock at night to go to vote does not need 10 men to surround her to instruct her how to vote. This has to be dealt with.

**The Chair:** Order. Chris Clarkson.

**Q35 Chris Clarkson (Heywood and Middleton) (Con):** Thank you, Ms Rees. It is a pleasure to serve under your chairmanship. Councillor Golds, to pick up on what you said about that going on in other parts of the country, I can attest to that. In Rochdale there is a sitting councillor who, three years ago, accepted a caution for electoral fraud after being caught voting twice. He is still sitting there and did not lose the Labour Whip.

As an experienced election agent, do you think the relatively low level of detection of personation is down to the fact that it is so easy to do? I could pick up a copy of the marked register tomorrow, find out whether you vote routinely in elections, turn up to your polling place, claim to be Peter Golds and vote on your behalf. Or do you agree with Mr O'Hara that it is a solution looking for a problem? If you contest that, what would you describe as an acceptable level of electoral fraud?

**Councillor Golds:** I disagree with Mr O'Hara. When you have the marked register, if you get the proverbial Sid and Doris Bonkers who have never cast a vote in their life, and someone turns up at the polling station and says, "I am Sid Bonkers," they are given a ballot paper. If Sid Bonkers does not turn up to say he is going to vote, nothing happens. I have to say that there are far too many instances.

I had one incident of a lady who lives in Woodseer Street, E1, who telephoned me to say that she had gone to vote. She knew that the people next door were off on holiday and furthermore that they were Jehovah's Witnesses and never voted, but democracy had taken place on this particular occasion. When she was marked off on the electoral register, she saw that their names were marked off. She asked the presiding officer why they were marked off, and he said, "Because they voted." That is an absolutely classic example. Somebody knew that these people were Jehovah's Witnesses, somebody knew that they never voted, but democracy took place.

**Q36 Chris Clarkson:** So in your opinion, if I had to turn up with a piece of identification that said, "I am Peter Golds," and I could not provide it, I should be issued a ballot paper.



**Councillor Golds:** Yes—[*Laughter.*] Sorry, I misunderstood what he said; my hearing is not terribly good.

**Chris Clarkson:** If I could not prove that I was you, should I be issued with a ballot paper?

**Councillor Golds:** No. If you go to collect a parcel without ID, you are not issued with a parcel. For example, if you go to select a Labour candidate, you have to take ID. We had a selection in 2019 of a Labour candidate, and her document to members of the Poplar and Limehouse constituency Labour party says not to forget to bring photo ID. To go to select Apsana Begum, you had to bring photo ID, but to elect her, or not elect her, anybody can be given a ballot paper.

**The Chair:** Thank you. Have the other witnesses anything to add to that, or can I move on?

**Q37 Kate Hollern (Blackburn) (Lab):** I have a very quick question for Gillian. For local authorities to issue the free voter ID, what evidence would you need from the person applying?

**Gillian Beasley:** That is something that we really need to think about: what evidence is required when somebody applies if they do not have a passport or driving licence. Evidence of where they live—bills, bank statements and other such identification—is what we used when we did our proxy pilots.

What we need is some really good guidance about what would be acceptable. As a group of administrators, we would like to have a conversation with Government about what we think would be sufficient before that provision is enacted, so that we are all consistent about what is sufficient. We need to learn from the pilots, because there is obviously some learning from the pilots about what kind of identification is sufficient, and to bring that together so that we have a consistent and safe approach. How do we actually make sure that the documentation is secure and safe enough? There are still some conversations that need to be had and there is some discussion around that at the moment.

**Q38 Kate Hollern:** So there is quite extensive work to go into the actual detail of producing voter IDs. That brings me on to the additional burden on local authorities. You mentioned how difficult it is to get presiding officers, so there is obviously a huge cost implication in this for local authorities—plus the practical solutions of identifying and delivering voter ID. However, surely it would be quite simple for someone to come and say, “I am X, I live at this address and I need an ID card.” Are you looking at photo ID?

**Gillian Beasley:** I think that that is the discussion that we need to have as a sector—about what is sufficient. You are absolutely right; my concern would be that somebody would be able easily to produce a false document to say that they lived at a particular address. The conversation that we need to have across the sector, and the guidance that we need, is: what is sufficient ID? That makes the system safe, because we can be sure, or as sure as we can be, that that ID actually locates that person as a real person who we can be confident in giving an ID document to. There is more work and discussion that we need to have around that. Obviously, the Association of Electoral Administrators will have

some thoughts on that, and I am sure my team would, as we move forward. That is a discussion that needs to be carefully had.

**Q39 Kate Hollern:** Thank you. Turning to Peter, like you I was a councillor for 21 years, so I have seen the problems with voting systems over the years, but I am pleased that a number of measures were taken in that long period to address some of your concerns. I was also pleased that in your evidence to the House of Lords you said that there is much more discipline in Tower Hamlets now and that the presiding officer should be the chief executive. In Blackburn, that is exactly what happens.

A number of issues have obviously improved, but you felt the issues that have not improved seem to be the lack of co-operation from the police responding to your concerns and the town hall staff not being equipped or resourced enough to deal with the issues. What do you see in the Bill that will address your concerns about the lack of action and co-operation by the police or the inefficiencies in some town hall services?

**Councillor Golds:** That is a very interesting point and thank you for highlighting what I said to the House of Lords. I think it was quite intentional that the senior officers of the council in 2014 all declined to act as returning officer. It was devolved to the head of committee services, who was a junior officer, and he was effectively asked to act as a returning officer. In future Bills I believe that the returning officer in elections should be the most senior officer of the local authority, and that should be written into law. They should not be able to cop out, as they are paid.

Where do I look in the Bill? The Bill tidies up the procedures for postal voting. It strengthens this issue of saying that people cannot turn up to a polling station with a Sainsbury’s bag full of postal votes.

**Q40 Kate Hollern:** Sorry, we do not need a change in legislation for that. I have been involved with many elections, and it is good practice from parties, both Labour and Conservative, to say in their instructions to candidates and campaigners, “You do not touch a postal vote.” If a resident has some difficulty, we phone the town hall and the returning officer sends someone out to help. It seems to me that the problems that Tower Hamlets have experienced, which we accept have got much better, are actually with management within Tower Hamlets. That does not need legislation to find solutions.

**Councillor Golds:** I am sorry; I have to disagree with you there. Obviously, we are all pleased that Blackburn has tidied up its act, and I am interested and pleased that you refer to cross-party co-operation.

I am sorry to say that I do not think it has improved in other places, and I refer to what Mr Shelbrooke has said. When Paul Bristow fought his by-election, I went there to campaign. I was taken to the central part of Peterborough and I felt so at home. It was exactly what you would expect to see: somebody suddenly arriving with the proverbial Sainsbury’s bag full of postal votes and people standing outside polling stations harassing voters. It should not happen. I believe that everybody should have the right to go to a polling station and vote in freedom.

If we voted in France, election day is a day of reflection. There is no campaigning. You go and vote in secret, behind curtains. Here, we have this wonderful Victorian sense of trust and co-operation between people, because we trust each other in many ways. As you have said, your colleagues in Blackburn work with colleagues of another party to ensure that the parties work well together, but where that trust breaks down, it collapses.

**Q41 Kate Hollern:** But how will the legislation address the issues raised? Surely that is a police matter.

**Councillor Golds:** First, we have the tightening of the rules about what you can and cannot say, and where people can be abusive at elections. For example, I have to say that—

**The Chair:** Order. We have to have short questions and answers now as we are running out of time.

**Councillor Golds:** I am happy to submit information in writing if you would like to see it. Would you like me to do that?

**Kate Hollern:** I just want you to answer the question.

**Councillor Golds:** Okay.

**Q42 Kate Hollern:** People are being intimidated outside polling stations—I have experienced it—and the police should deal with that. People are making allegations about candidates—I believe, at some point, there was a leaflet with me in a burqa. How will this legislation improve such harassment?

**Councillor Golds:** The legislation tightens up the rules of, effectively, what we would call the Miranda Grell situation, whereby people cannot be abusive. The legislation tightens up the rules, as we have seen, about people turning up to a polling station and just asking for a ballot paper and being given one. It tightens up the rules on postal voting.

There are other matters that I would like to address. I believe that there should be an amendment to reaffirm the secrecy of the ballot, because I cannot believe that the police can possibly argue that we do not have a secret ballot in this country, as they appear to be doing. I would think that, of what—

**Q43 Kate Hollern:** Sorry. Basically, people intimidating someone on the street should be a police matter. I accept that there should be limits on what can be said and done within a poll, but that is already in the rules. On the secret ballot, you gave a case—I think Gillian addressed it as well—where someone was with a woman actually casting a ballot, and you found that the lady was intimidated. Did she allege it was intimidation, or did she just require support because she did not speak or read English?

**The Chair:** Order. We need a very short answer. We have two more Members who would like to come in.

**Councillor Golds:** The law is clear that you vote in secret.

**Q44 Jerome Mayhew (Broadland) (Con):** I will build on the questions that my colleague, Mr Clarkson, posed to Councillor Golds a moment ago, about personation in polling stations and how prevalent it is. In his judgment

in the Bordesley Green ward and Aston ward Birmingham fraud trials back in 2005, the election judge, Mr Mawrey QC, stated that,

“there is likely to be no evidence of fraud, if you do not look for it.”

Your teams in the polling booths are the frontline in identifying personation. What tools do you currently have to look for personation fraud?

**Gillian Beasley:** When we organise our elections, we graduate our polling stations to the ones where we think the most issues will be. We employ presiding officers who have a lot of experience in dealing with the administration of their polling station. However, more than that, we train them around the issues of personation and ensure that they know the statutory questions. There are also ways in which, when someone comes into a polling station and they ask them to give their names, they are very particular about ensuring that we keep with the processes.

We also always have police in those polling stations. There will be two police officers, and there will also be polling agents, so we give a very clear statement that we take personation seriously. When you walk into a polling station in that area, you will see well-trained staff and police officers, and you will likely see a polling agent. There is training that we do. There is also an incident response, so if staff are concerned about an elector, they have a police officer they can talk to. If a polling agent raises an issue, it can be responded to immediately.

The message goes out there that that is what you will find when you go into a Peterborough polling station and those that we consider to be at risk. That is the approach that we take in ensuring that the training and the experience is really good. As Paul Bristow said, we also have CCTV. It conveys how seriously we take electoral fraud in those stations.

**Q45 Aaron Bell:** I just wanted to briefly ask ACC Cann about polling day, and whether he thinks that the measures around voter ID and undue influence will make polling day easier for the police.

**Assistant Chief Constable Cann:** I am not sure I heard the question. I think it was whether the measures around undue influence are likely to make life easier for the police.

**Aaron Bell:** And voter ID on polling day.

**Assistant Chief Constable Cann:** Thank you very much. I think, in general, they are potentially helpful measures indeed. It is always difficult for policy makers to strike the balance between an accessible system and a secure system. If the balance was struck in that particular way in any future Act then, on balance, yes, it would probably be helpful for the police if those measures were brought in.

**The Chair:** Order. That brings us to the end of the time allotted for the Committee to ask questions and, indeed, for this morning's sitting. I thank our witnesses on behalf of the Committee for their evidence. The Committee will meet again at 2 pm to continue taking oral evidence.

11.25 am

*The Chair adjourned the Committee without Question put (Standing Order No. 88).*

*Adjourned till this day at Two o'clock.*

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## ELECTIONS BILL

*Second Sitting*

*Wednesday 15 September 2021*

*(Afternoon)*

---

### CONTENTS

Examination of witnesses.

Adjourned till Thursday 16 September at half-past 11 o'clock.

---

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

**not later than**

**Sunday 19 September 2021**

© Parliamentary Copyright House of Commons 2021

*This publication may be reproduced under the terms of the Open Parliament licence, which is published at [www.parliament.uk/site-information/copyright/](http://www.parliament.uk/site-information/copyright/).*

**The Committee consisted of the following Members:**

*Chairs:* SIR EDWARD LEIGH, †CHRISTINA REES

† Anderson, Fleur ( <i>Putney</i> ) (Lab)	† Randall, Tom ( <i>Gedling</i> ) (Con)
Bell, Aaron ( <i>Newcastle-under-Lyme</i> ) (Con)	† Rutley, David ( <i>Lord Commissioner of Her Majesty's Treasury</i> )
† Bristow, Paul ( <i>Peterborough</i> ) (Con)	† Shelbrooke, Alec ( <i>Elmet and Rothwell</i> ) (Con)
† Clarkson, Chris ( <i>Heywood and Middleton</i> ) (Con)	† Smith, Cat ( <i>Lancaster and Fleetwood</i> ) (Lab)
Furniss, Gill ( <i>Sheffield, Brightside and Hillsborough</i> ) (Lab)	† Smith, Chloe ( <i>Minister for the Constitution and Devolution</i> )
† Gibson, Peter ( <i>Darlington</i> ) (Con)	† Smith, Nick ( <i>Blaenau Gwent</i> ) (Lab)
† Grady, Patrick ( <i>Glasgow North</i> ) (SNP)	Adam Mellows-Facer, Chris Stanton, <i>Committee Clerks</i>
† Hollern, Kate ( <i>Blackburn</i> ) (Lab)	
† Hunt, Jane ( <i>Loughborough</i> ) (Con)	
† Mayhew, Jerome ( <i>Broadland</i> ) (Con)	
† O'Hara, Brendan ( <i>Argyll and Bute</i> ) (SNP)	† <b>attended the Committee</b>

**Witnesses**

Professor David Howarth, Professor of Law and Public Policy, University of Cambridge, and former Electoral Commissioner

Fraser Campbell, Blackstone Chambers

Virginia McVea, Chief Electoral Officer, the Electoral Office of Northern Ireland

Ailsa Irvine, Director of Electoral Administration and Guidance, The Electoral Commission

Peter Stanyon, Chief Executive, Association of Electoral Administrators

Louise Round, spokesperson for Elections and Democratic Renewal, SOLACE

Rob Connolly, Returning Officer, Birmingham City Council

Dr Kate Dommett, Department of Politics and International Relations, University of Sheffield

Professor Justin Fisher, Director of Public Policy, Brunel University London

Darren Grimes, political commentator

## Public Bill Committee

Wednesday 15 September 2021

(Afternoon)

[CHRISTINA REES *in the Chair*]

### Elections Bill

#### Examination of Witnesses

*Professor David Howarth and Fraser Campbell gave evidence.*

2 pm

**Q46 The Chair:** I remind Members about the public health guidance and that electronic devices should be switched to silent. We will now hear oral evidence from Fraser Campbell of Blackstone Chambers and Professor David Howarth, Professor of Law and Public Policy at the University of Cambridge. Fraser Campbell is appearing in person and Professor Howarth will be on Zoom. Before calling the first Member to ask a question, I remind all Members that questions should be limited to matters within the scope of the Bill and that we must stick to the timings in the programme motion agreed by the Committee. For this session, we only have until 2.30 pm. Please will the witnesses introduce themselves for the record?

**Fraser Campbell:** Fraser Campbell, barrister at Blackstone Chambers.

**Professor Howarth:** I am David Howarth, Professor of Law and Public Policy at the University of Cambridge. I was an electoral commissioner until 2018; before that I was a Member of the House of Commons, and before that I was the leader of a council.

**The Chair:** Thank you. Minister, would you like to ask the first question?

**Q47 The Minister for the Constitution and Devolution (Chloe Smith):** As this is such a short session, I will ask one question each of our two witnesses. Mr Campbell, it is nice to see you here today; thank you for giving up your time. The Government's call for evidence on the accessibility of elections showed that one of the main barriers to voting can be the definition of "companion" in legislation. Do you agree that the expansion of the definition of who can act as a companion will be of benefit and will support more elderly voters and voters with a disability in being able to vote in person?

**Fraser Campbell:** Yes, absolutely. Anything that can be done to make voting easier is to be encouraged. That is why, I suspect, more Members will have questions about some of the provisions that make voting more difficult, but I will not get on to that until I am asked.

**Q48 Chloe Smith:** Moving on to Mr Howarth—David, if I may—you have been a Member of Parliament, so welcome back; it is nice to see you today. You are a former Liberal Democrat Member, and it is great to have your particular intersection of experience. Knowing Parliament as you do, and knowing how, at its best, it can be a place for scrutiny, debate, insight and experience,

do you think it is a positive addition to the accountability and governance of the Electoral Commission that we have a greater role for Parliament coming in? Or do you think that the work of the electoral commissioners and the Speaker's Committee on the Electoral Commission as it currently stands is sufficient?

**Professor Howarth:** First, may I say that it is good to be back? It is just my luck to be giving evidence during a reshuffle. All I can say is, "Chloe, good luck," and I will understand it if you will be glancing at your phone.

The accountability of the Electoral Commission is twofold. First, there is accountability to the Speaker's Committee. That is useful, but it is limited, and should be limited, to the use of resources; it is related to the estimate under which the commission is funded. Secondly, on individual decisions the commission is accountable to the courts. That is to say, if it issues a fine or some sort of order against an individual or a party, those organisations or people can appeal to the courts. I think this afternoon you will hear from someone who successfully appealed a fine that had been imposed by the commission. It might have been helpful to hear from people who have been fined and failed in their appeal, or chose not to appeal.

There are two lines of accountability, and I think the danger in the Bill is getting them mixed up. The line of accountability to the courts should not interfere with Parliament, and the line of accountability to Parliament should not interfere with the courts. Secondly, what the Bill actually does is make the commission accountable to Parliament in terms of direction or guidance issued by a Minister, and then obviously agreed to on the nod in the usual way of statutory instruments by the Commons, and they would not trouble the Lords. Nevertheless, that is not accountability to Parliament; that is accountability to the Government—

**The Chair:** May I interrupt? Professor Howarth, we are having trouble hearing you. Could you turn your microphone up, please?

**Chloe Smith:** I am really sorry, Ms Rees. I could hardly hear any of that answer.

**Fraser Campbell:** I wonder whether I may say a word on the Minister's question. My view on parliamentary accountability is that of course it is very important. It has to be balanced against the independence, and the perceived independence, of the commission. To the extent that the Bill wishes to introduce scope for the commission to be given a statement of principles and objectives, I think the question arises whether that will be useful and, if it is, to whom.

Based on the Minister's statement from 17 June this year, which talked about the content that that statement might have, there was an indication that it may lay down principles for the Electoral Commission in terms of impartiality, accountability, value for money, proportionality and consistency. I wonder how useful that would be, because the Electoral Commission, whatever one thinks of its performance, presumably does not think at the moment that it is proper for it to provide poor value for money or be partial, unaccountable, disproportionate or inconsistent.

The question arises, to make a difference, what difference it will make. My concern—Professor Howarth has expressed this in the press—is that there is a danger of an arm's-length

independent body being pressured by the majority in the House of Commons, and the party of Government, to prioritise things that may be perceived to benefit that party and to deprioritise other things, or even to seek to intervene and give guidance on individual cases. If that were done, there would be the potential for very real damage to the perceived independence of the commission and a sense of people who are elected—by definition, the victors of elections—to some extent regulating themselves. I think that would be the intention with the overall aim of the long-established Electoral Commission.

**The Chair:** Thank you. Professor Howarth, could you try repeating your answer to see whether we can hear you?

**Professor Howarth:** I will try. Can you hear me now?

**The Chair:** Yes, that is much better.

**Professor Howarth:** I started by wishing Chloe good luck in the reshuffle. The accountability of the Electoral Commission, as Fraser just said, is an important matter, but the commission on individual matters is accountable to the courts, not to Parliament. There is an appeal process. I think there is a witness later this afternoon who appealed successfully against a commission judgment. There are many others who have failed in their appeal or withdrawn it.

It is important not to mix up the legal accountability of the commission to the courts with the accountability to the Speaker's Committee, which is basically to do with its financial responsibility. The commission operates under an estimate that does not go through the Government. The accountability on the spending side is to the Speaker's Committee. Where the Bill goes wrong, I think, is in mixing those two things up and subjecting the commission to policy guidance by the Government. The accountability that has been proposed to Parliament is on the basis of the Government's guidance to the commission and then to Parliament. That reduces the autonomy not just of the commission but of Parliament in holding the commission to account on what it wants to hold it to account on, not what the Government tell it to.

**Q49 Chloe Smith:** I have one follow-up question, on your time as an electoral commissioner, which as we all know is very different from the election commissioner role, on which we heard from Richard Mawrey earlier today. From your time in that role, David, could you give us examples of when you think there was effective governance and ineffective governance between the commission's proposals or plans and the SCEC?

**Professor Howarth:** On the whole, every year there is a useful discussion between the Speaker's Committee and the leadership of the commission on budgetary matters—issues to do with how much money would be suitable for a particular year. I should really add in parentheses that that will be far more difficult if and when the Fixed Term Parliaments Act 2011 is withdrawn, because it will not be clear whether there will be a general election in any particular year. There is a balance between the ongoing expenditure of the committee on base and the exceptional expenditure that comes about because of the number of electoral events in the year. Over the years, the fact that there were two parts of the budget has been cleared up between the committee and the commission. I think that operates well. It was starting to operate not well by the end. I think that is an example of both.

**Q50 Cat Smith (Lancaster and Fleetwood) (Lab):** My question for both witnesses is about the accountability of the Electoral Commission and the part of the legislation we are looking at on that issue. It is a balance between parliamentary accountability for the commission but also independence of the commission to be able to do its job. As it stands, the Speaker's Committee on the Electoral Commission has an in-built Government majority, with five Members from the governing party and three Opposition MPs—I declare an interest as a member of that committee. Do you feel that is effective and what do you think will be the impact of adding another Government MP to that committee? Do you think the Electoral Commission is currently suitably held to account by Parliamentarians?

**Professor Howarth:** Perhaps I should answer that more than Fraser. I do not think there should be any circumstances in which there is a Government majority on the Speaker's Committee. It was set up not to have that, but the balance in the House that determines which party gets which Chair of which Select Committee has an effect. I think the legislation has to be adjusted to ensure that the definition of who is on the Speaker's Committee is not affected by those sorts of changes. The whole idea is for there to be consensus on electoral matters across the parties. That is the main objection to having ministerial guidance in the first place—a Minister from any particular party might be seen to say something in the interest of the party. Similarly, the Speaker's Committee should never have a single-party majority. The legislation should make that clear.

**Fraser Campbell:** I agree with what Professor Howarth says about majorities on the committee. Members have to bear in mind the distinction between accountability and direction. It is one thing for the Electoral Commission to be accountable to Parliament, through the Speaker's Committee and potentially through other mechanisms, in terms of explaining itself and being questioned about decisions it has made or its performance. It is another thing for it to be directed to do particular things.

That is the concern that arises in terms of the statement of principles. One example of that is that it envisages the ministerial statement and directing priorities. One can easily think of examples where it might be quite improper for particular priorities to be set; for example, if there was a hypothetical party that drew disproportionate amounts of support from older people as opposed to students. One can imagine why that hypothetical party might wish to make it a priority for the Electoral Commission to assist in increasing turnout among the elderly, and on whatever grounds it came up with, deprioritise facilitating students living in multiple households to register to vote. If that was a direction given to the commission, that would not really be accountability at all but interference. It would be much better for the commission to be allowed to get on with what are very well established and understood statutory objectives, and for Parliament through whatever means to hold it to account on its performance.

**Q51 Brendan O'Hara (Argyll and Bute) (SNP):** My question is in two parts. On the plan to give Ministers more control of the Electoral Commission, David, were these plans ever discussed or floated when you were a commissioner between 2008 and 2018? To both of you, why do you think they have now appeared in the Bill?

**Professor Howarth:** To answer the first question, this would have been unthinkable in my time as an electoral commissioner, and also that was during a time when there had been a Conservative Prime Minister for the whole time. I do not think anyone would have ever imagined this was a good idea. It is an open goal for the opponents of western democracy. If you are President Xi, you might think this is the kind of thing you want—all the institutions of the state lined up behind the governing party—but not in this country. It is completely unthinkable.

As to where it has come from, it is beyond my time in office. All I can say is it looks as if it has arisen out of certain resentments in certain quarters about decisions the commission has made that people disagree with, and the Government must have been scrambling around for ways of satisfying that desire for revenge and come up with possibly the mildest version they can think of, but even this version is outrageous.

**Fraser Campbell:** I would not wish to make a window into the Minister's soul, but I think all Members on all sides would want to bear in mind that if they are in Government, they will one day be out of Government, and one would not want to have a position where whatever party happens to be in Government is able to take advantage of an opportunity to influence or exert pressure on the commission while the sun is shining, only to see the boot on the other foot when they are out of power.

One sees this, for example, in the United States where it is very nice for the governing party to be able to nominate justices to the Supreme Court, but it feels much less promising when they happen to be out of power. In my position, it is much better to have a properly independent process, which we have in the courts here. We do not have the same business of political nomination of judges. We would lose something of value were we to have, in any sense, a politicised, oscillating Electoral Commission, whose priorities change depending on who is setting the direction from time to time. That would not be in the long-term interests of any party.

**Q52 Fleur Anderson (Putney) (Lab):** The Bill seeks to address the integrity of elections. Would you say this is the biggest problem we face in our elections currently? Are there any other concerns you think the Bill should address or any other proposals or measures you think should be included? Do you have any other concerns about the Bill that you have not been able to address?

**Fraser Campbell:** Shall I go first this time? I am grateful it is a broad invitation. I think the integrity of elections is not an overwhelming concern in UK electoral law. There have been pockets of extremely bad practice that have been exposed and investigated, and have obtained a high profile, but generally the UK happily leads the world in this respect and should not be shy about that. There are problems though, which are along the themes of needing to encourage broader and freer participation, because that is the best prophylactic against domination by particular vested interests. The explanatory notes rightly draw attention to some dangers of foreign interference or interference by the very wealthy, but one of the things one can do to discourage or balance that out is to have as broad a plurality of participation as possible.

It worries me that certain provisions of the Bill are potentially apt to have a chilling effect on participation by small parties, or those who are not parties at all but

are legitimate pressure groups, charities, NGOs, trade unions and so on. An example of that is the power to be given under clause 23 to a Minister, albeit subject to the affirmative resolution procedure, to effectively proscribe the types of organisations that can become registered third parties. That is important because, if an organisation is not a registered third party it is subject to a much lower spending limit. The pre-legislative material that I have seen does not give any explanation as to why there needs to be a power to limit the types of organisation that can become registered third parties. I can see why there might need to be some sort of power to quickly expand the list, if it turns out someone is inadvertently excluded.

The only rationale I have seen for this provision, generally, is to clamp down on foreign interference. If that is the case, it does not provide any justification for Ministers to have the power to exclude numbers of categories from that list, which includes trade unions, charities, UK companies and unincorporated associations. It would be of benefit to the process if this Committee were to examine, with the Government, the rationale for that procedure.

There is a tension between that procedure and a general desire, which is expressed by some parties, to avoid lawyers being too involved in the political process. I can tell you, as a matter of simple law, that if a decision to exclude an organisation was made under such a power, it would be more susceptible to challenge by judicial review than if such a decision was made under primary legislation. As a matter of basic law, judges are naturally much less deferential to secondary legislation, because it has not gone through the rigmarole and process that we are engaged in today. It would be a jamboree for lawyers—in a selfish, personal sense I would welcome that—but it has not been explained and it could have a chilling effect. Even if the power was not actively used, people would be participating as registered third parties not knowing what the situation might be in the future. I think that would disincentivise the plurality of participation that can balance out foreign interference and other less welcome vested interests.

**Professor Howarth:** I agree with Fraser on clause 23; the delegated powers memorandum—[*Inaudible.*]

**The Chair:** Professor Howarth, if I can interrupt you, we are having trouble hearing you again.

**Professor Howarth:** Oh right! I thought I had fixed that.

**Chloe Smith:** Could you also lift your head up so we can lip read?

**Professor Howarth:** The temptation when on a computer is to bend down towards the microphone. I shall try to let you lip read.

I agree that there is a problem with clause 23. The power to add groups that can campaign as third parties is obviously justifiable. The delegated powers memorandum gives no justification for the power to remove or the power to redefine. Those are powers that could be abused.

There is also a change in clause 20 that to most people looks logical, but there needs to be a replacement provision. It is the proposal to end the possibility of parties acting as third-party campaigners. The Electoral



Commission's guidance says that is the main way in which parties can act together in electoral alliances and pacts. If clause 20 remains as it is, with no replacement provision, then parties will not really be able to operate in electoral pacts or alliances. They will be limited to £700 of expenditure if promoting a national campaign of another party. There needs to be a specific provision for pacts that is fair. Obviously, those provisions would have to apply to canvassers campaigning on common ground, but this is too restrictive.

On the question of what ought to be in the Bill, there is a massive Law Commission report on all the problems identified in electoral law, which should be part of this Bill. That report is now gathering dust, as too many Law Commission reports do.

I go back to the Constitutional Affairs Committee and Justice Committees before 2010, which came to an agreement on the crucial issue in electoral reform, which is donations. Should there be a cap on donations? We got a Committee to agree on a very high cap, but also to the principle that there ought to be a cap. If you do not have a cap on donations, the whole system is open to the accusation that it is just there for rich people to buy elections. That is the most important problem in the way we allow elections to be run. We need to get the system on to a completely different basis of small donations by ordinary people.

**Q53 Jerome Mayhew (Broadland) (Con):** Professor, you asked where this idea of the statement of principles and the policy framework for the Electoral Commission has come from. I hope you were able to hear the evidence in this morning's sitting, particularly that from Councillor Golds, who gave damning examples of where evidence of widespread fraud was taken by him and others to the Electoral Commission and, in his words, ignored.

**Professor Howarth:** Let me explain. The Electoral Commission does not have a role in legal contests about individual cases of electoral fraud. It has an overall supervisory role, but its regulatory powers are aimed at parties and their national campaigns. For example, on the spending returns of individuals in parliamentary elections, the commission has a power to look at them, but no power to enforce the law. That is all done by individuals and by the police.

The commission's power has to do with the national spending limits of the national parties. If you think the commission should be doing more on that, you need to change the commission's powers so that it can. What the Bill does instead is remove the commission's power to instigate prosecutions, which makes the situation even worse.

**Q54 Jerome Mayhew:** On that point, is it not right that although the commission claims to have the power currently, it has never once brought forward a prosecution?

**Professor Howarth:** That is because the Government always opposed it and tried to stop it doing it.

**Q55 Jerome Mayhew:** Forgive me; if I may ask the question, I will not interrupt the answer. Given that you have never, ever used the power of prosecution, is it fair to claim that removing a power that has never been used is somehow an additional fetter to electoral law?

**Professor Howarth:** Yes, it is, because it is a power that exists that could have been used, and any proposal to use it makes the Government immediately decide to go back, on whatever grounds. One of the things you should have picked up from Richard Mawrey's evidence this morning is that the police are not particularly interested in enforcing electoral law and think that electoral offences are not important. If they do not think it is, the CPS will not get many cases and no one will be prosecuted, unless local authorities take it up using their power under section 222 of the Local Government Act, which they might do.

**The Chair:** We have just a couple of minutes left. Perhaps Patrick Grady will ask a short question and we can have a short answer.

**Q56 Patrick Grady (Glasgow North) (SNP):** Very briefly on the ministerial policy statement of direction, the Electoral Commission has a UK-wide remit. The Bill provides for devolved Ministers to be consulted, but not necessarily to consent. Do you have any views on the potential for the ministerial statement of direction to start to encroach on areas that might otherwise be regulated by the devolved institutions?

**Fraser Campbell:** I think there is a perfectly legitimate concern. We have seen in the Bill, for example, the voter ID provisions. In Northern Ireland, they have their own rules and have had for some time because it is a distinct situation with its own distinct concerns. Those differences are much less pronounced between Scotland and the rest of the UK, but, undoubtedly—this goes back to my earlier point—if the statement of principles is to be anything other than motherhood and apple pie, and if it gives rise to controversy, I imagine it will give rise to controversy between Westminster and the devolved legislatures. Involving the Electoral Commission in that sort of controversy—in other words, having it follow a statement of principles as an arm's length body that it knows is itself politically controversial, not just within one Parliament but between Parliaments—would be regrettable.

**Professor Howarth:** The commission has come to a very good relationship with the Scottish Parliament and the Welsh Parliament over the years—

**The Chair:** Order. I am afraid that brings us to the end of the time allotted for the Committee to ask questions. I thank our witnesses on behalf of the Committee.

#### Examination of Witnesses

*Virginia McVea, Ailsa Irvine and Peter Stanyon gave evidence.*

2.30 pm

**Q57 The Chair:** We will now hear oral evidence from Virginia McVea from the Electoral Office for Northern Ireland, Ailsa Irvine from the Electoral Commission and Peter Stanyon of the Association of Electoral Administrators. All the witnesses are on Zoom. Welcome. We have until 3.15 pm for this session. Would the witnesses please introduce themselves for the record?

**Virginia McVea:** Good afternoon, I am Virginia McVea, Northern Ireland's chief electoral officer.

**Ailsa Irvine:** Good afternoon, I am Ailsa Irvine, director of electoral administration and guidance at the Electoral Commission.

**Peter Stanyon:** Good afternoon, I am Peter Stanyon, chief executive of the Association of Electoral Administrators.

**Q58 Cat Smith:** If I could begin with you, Ms McVea. Part of the Bill concerns electors showing voter identification at polling stations. That has been a requirement in Northern Ireland for some time. We know that has changed over time: initially not requiring photo ID, then much later having a requirement to show photo ID. Do you have anything that could inform the Committee's thinking on the way in which that might be implemented in England, Scotland and Wales, and with regard to the speed, if we were to move straight to requiring quite strict photo ID? Obviously, in Northern Ireland you had a much slower transition. Could you outline any of the initial problems electors had in Northern Ireland with access to ID, and what barriers voters who did not have ID came up against?

**Virginia McVea:** That was obviously prior to my period in office. There are not many records in relation to that. What I can say is that there is no particular difficulty encountered in providing that photographic ID. We have around 370,000 cards and they have been available since 2003. One issue that will be encountered is the administration. Initially records show that the outsourced cost per card was over £14, and that continued. It is now provided in-house, at just over £2 a card, including postage. Part of it will be around comms and how people are able to access them.

For us, there is obviously a time taken per card. Outside election periods, we have had to extend that to a six-week turnaround. I have no record of what the turnaround period was initially in the provision of the cards, but the take-up was much higher. Probably in around 2016, we were looking at more than 20,000 cards being produced in the year. We have found that continuing to tail off.

There has not been any related difficulty in attendance at polling stations of being able to produce ID. Certainly, the data shows a change in the requirement on cards.

We do not know whether people have kept all of their cards—we know lots of cards get lost. We occasionally have visits from various nightclubs when they empty their sports bags on to the table and return the cards that have gone missing. Those need duplicates. A lot of time can be wasted in reproducing cards, but I am afraid that there are very few records that show what the initial difficulties were in engaging and in providing the ID.

**Q59 Cat Smith:** If I may ask Peter Stanyon to answer a question from the point of view of the electoral administrators, obviously the issuing of free voter identification cards will fall to local authorities and electoral administrators. Can you outline to the Committee some of the pressures that the people you represent in electoral offices up and down the country face on a day-to-day basis? What kind of pressures already exist? How is the requirement to produce ID cards likely to affect electoral administrators?

**Peter Stanyon:** The expectation is that the vast majority of those cards will need to be issued ahead of the next national electoral event—a general election, for example—

when the pressures in the electoral offices are at their greatest. Late registration statistics show that the spikes in registration come towards the end. At that stage, the same people delivering the election—certainly across England and Wales—will be the ones who also have to manage the process of issuing free voter ID cards to individuals. In Scotland, it is slightly different because that tends to be done by the valuation joint boards. There is a difference in the way that is delivered north of the border.

The real pressures are that we do not know the statistics—the numbers of people coming through—and, because of the spikes in registration, we will not know that until literally the last minute. One of the concerns being expressed across the electoral community is as much about what the basic system is: what will it look like? Will it require attendance in person? Virginia mentioned posting out ID—will that be permissible in the remainder of the UK? We do not know that detail at this stage.

It will require a whole-council approach—there is no doubt about that. It will not just be the returning officer or registration officer who is involved; it will be councils, with the pressures they are already under when delivering their day-to-day services. It really comes down to trying to make sure that we do not disenfranchise—it is probably not quite the right word—individuals by simply not being able to get to them the relevant ID they require to present at the polling stations on polling day.

The other factor to take into account is how late in the day it will be permissible for an individual to apply for free voter ID from a local authority. The pilots go right up to the eve of the polls, and we have concerns about the ability to cope with what are expected to be higher numbers when interest in the election is higher because it is a UK parliamentary general election.

**The Chair:** Thank you. Would either of the other witnesses like to comment?

**Virginia McVea:** Just to say that the statistics that we have in 2019 show that the applications for ID cards will at least double. In Northern Ireland, where we have had nearly 20 years of ID card provision and so have decreased the number of people who might need access to a card, we are looking at around 1,500 or 1,600 applications per month during an election period. That is the information that I can provide in relation to how you might scale it up, bearing in mind that that is nearly at the end of a 20-year process of the provision of cards.

**Ailsa Irvine:** It is important to ensure that any scheme that is introduced is workable. The voter ID card will play a critical part in making sure that any scheme that is introduced is accessible for those who do not have one of the prescribed forms of ID. It absolutely needs to work, but it also needs to be considered in the realm of the whole administration of elections, including the other changes that the Bill brings forward, to ensure that there is capacity within local authorities to deliver effectively. There must be sufficient time for all this to be planned on an administrative level, with the software suppliers that local authorities depend on, and appropriate resourcing must be in place to support that.

**Q60 Cat Smith:** I have one final question for Ailsa Irvine. The Electoral Commission reports to and is funded by the Scottish Parliament and the Welsh Senedd,

as well as the UK Parliament. How do you think the changes in the legislation whereby the UK Parliament can set the strategic direction will impact the way in which the commission engages with the devolved nations?

**Ailsa Irvine:** In general terms, we have concerns about the commission relating to the strategy and policy statement and the impact that that may have on the commission's independence, going as it does beyond scrutiny and accountability, and potentially into providing guidance about how we carry out our functions on a day-to-day basis.

Specifically on our accountability to the Scottish Parliament and the Welsh Parliament, which is as important as our accountability to the UK Parliament, looking as we do in those three different directions, it is really important that there is consultation with those Parliaments. At the moment, the legislation focuses on consultation with Welsh Ministers and Scottish Ministers, but we are actually accountable to those legislatures through the Llywydd's Committee and the Scottish Parliamentary Corporate Body, so it is important to be able to ensure that they are also consulted and involved in the process in an equivalent way to the Speaker's Committee.

When those consultations take place, whether with the Speaker's Committee or with the devolved legislatures, it is really important that we are able to see what feedback is provided on any consultation on the statement, so that—assuming that the provisions go through—when it is presented to Parliament, given that it is presented as an all-or-nothing decision, there can be absolute clarity on what those who have been consulted have fed back and on their views on the operability of the statement.

**Q61 Chloe Smith:** Good afternoon to our three witnesses. Thank you very much for joining us. In our various ways, we know each other well from much work done over the years, so it is good to have you with us.

I will start with a couple of questions to Virginia about the concepts of turnout, fraud patterns and confidence, each of which is important in what we are looking at, particularly for voter identification. I am sure we would all agree that turnout is not a linear trend—it can be influenced by wider political factors—but can you confirm that in the first general election after photographic identification was introduced, the 2005 election, turnout in Northern Ireland was higher than in each of England, Scotland and Wales?

**Virginia McVea:** I am sorry, but we do not retain those records within the Electoral Office. I can certainly provide the answer to the Committee as a follow-up.

**Q62 Chloe Smith:** Thank you. I apologise; I meant in no way to put you on the spot. We have a note from the House of Commons Library that contains those figures, so I just wanted to give you an opportunity to expand on them.

I will turn instead to the evidence of fraud, which is perhaps the meat of the issue in some of what we are doing on voter identification. Has photo identification been effective in stopping personation, and does it function effectively as a deterrent? In other words, does it prevent the crime from being able to take place in the first instance?

**Virginia McVea:** Views across Northern Ireland will not be uniform in relation to the provision of photographic identification. What I can tell you, from looking at the

tendered ballots for June 2017, for example, is that 24 were issued across all of the constituencies in Northern Ireland. In 2019, there were 18. Broadly, it would be fair to say that there is a public perception that photographic ID is helpful. We all know that there is a fear of fraud. The data that I hold, and the evidence that is available to me, does not bear out any kind of systemic fraud in Northern Ireland.

We are in a position where we provide those details in relation to the tendered ballots. When our polling station reports are returned—the poll staff are able to document all kinds of things that have occurred during the day—that is not something that occurs in our reports, nor is it something we hear from our polling station inspectors, who travel around. That said, some parties will raise concerns with me, and we are always trying to provide—through data analytics on the number of people who are used as proxies, or on absent votes generally—as much evidence as we can, to be as transparent as possible, because the evidence that we have does not bear it out.

**Q63 Chloe Smith:** Yes, indeed. I quite understand that. Without wishing to be facetious, for the benefit of the Committee, do you agree with me that absence of evidence is not evidence of absence?

**Virginia McVea:** Absolutely, but our purpose is to try to inquire as far as we possibly can, so we are now able to lift that out through increased analytics opportunities. Tendered ballots are an opportunity. Feedback from polling stations, and across the board with polling station inspectors, is very helpful. Issues are raised with me; political representatives will contact me throughout polling day, for example. That is not something that is raised in every constituency in large numbers. There will tend to be higher levels of concern in certain areas among certain representatives. Either in situations where people have wanted to move on or where we have thought it necessary in relation to certain polling stations to pass information to the police, there have been no prosecutions.

**Q64 Chloe Smith:** Thank you so much for sharing your insights. Ailsa, the Electoral Commission's analysis across various years—I am looking at some from December 2015—concluded that voters' confidence that elections are well run is consistently higher in Northern Ireland than in Great Britain. Can you say a word about what you know about that from your records? Could you also please explain to the Committee why it is that for many years the Electoral Commission has advocated the introduction of voter identification in Great Britain?

**Ailsa Irvine:** We do see high levels of public confidence, not only in Northern Ireland but across the whole the UK. We saw that borne out in the elections that took place in May in Great Britain—there were high levels of public confidence in and satisfaction with the processes of voting and registering to vote. It is important to bear in mind that we are starting from a high base of public confidence. Having said that, we know that concerns about electoral fraud are in the mind of the public. From our public opinion survey work, we have found that two thirds of electors said that they would be more confident in the process if they were required to show a form of photo ID at the polling station. So that is relevant and a consideration for some voters.

Essentially, we recognise that, in the polling station process, no safeguards are in place to check anybody's identity before they are issued with a ballot paper. That stands out quite strongly from other parts of the process. If you are applying to register to vote, your identity is verified beforehand, and if you are casting a postal vote, your identity is verified through that process. It does mean that there is a vulnerability in the polling station process with no check on the identity of voters—as has been found.

**Q65 Chloe Smith:** Thank you very much.

Peter, thank you very much for joining us. On a different topic, may I pick your brains on supporting voters with disabilities at the polling station? We have a measure in the Bill that will widen the existing law, which includes a highly specific requirement for support for voters who are blind or partially sighted, into support for any disability. What are your thoughts on that, and how would you expect your members to respond to it?

**Peter Stanyon:** We welcome less prescription. One of the biggest challenges presented in polling stations at the moment is the prescription brought in by the tactile voting device. It works in itself, and there is nothing wrong with it, but it is the one thing available to work with under the legislative framework. The widening of the ability to use alternative methods has to be welcomed, as long as there are base standards that the returning officer is expected to follow. That is not to remove the TVD from polling stations, but to add in additional potential mechanisms that will be of assistance to individual voters.

You may have seen the evidence I gave to PACAC last week. We are making the point that this is the sort of area in which people in the third sector with experience will be able to advise returning officers of the best solutions to allow individuals to vote independently in the polling station, whether they have visual impairment or are there as a regular voter. The key point of the whole process is to give them that ability, and if that means that they are able to use something that is suitable to them—that the returning officer is aware of and that does not break secrecy or introduce risk to the process—we would fully support that. It is about having that ability to provide the flexibility for local circumstances. That said, there does need to be a minimum base standard that any voter walking into a polling station will be able to expect, if they require that level of assistance.

**Q66 Chloe Smith:** Thank you, Peter; that is so helpful. Might the standard that you refer to reasonably be something that would be provided in guidance and training?

**Peter Stanyon:** I think so. It is the sort of thing that may come into such things as performance standards, which the commission oversees. It will come down to what sorts of things returning officers should be considering, and ensuring that staff in the polling stations are au fait with the options available to them. That will come with a number of strands to it, rather than being the very tight prescription that we have at the moment, which can fail as a result of its not being used correctly.

**Q67 Peter Gibson (Darlington) (Con):** Good afternoon. My first question is to Virginia. What advice would you offer the Electoral Commission with regard to the

implementation of voter ID and how to communicate it to the public, based on your experiences in Northern Ireland?

**Virginia McVea:** Most of the comments from Northern Ireland will have to be heavily caveated. All present will be aware that the context in which this change was brought about in Northern Ireland was very different from that in which the discussions are taking place here. That must always be borne in mind. There are some practical difficulties, which colleagues have mentioned, in terms of being ready for this. There is the initial cost. Funding was provided, as I understand it, for the Electoral Office of Northern Ireland, but the costs were considerable at a point in the early stages where, for example, the cost of card production was well over £100,000 back in 2004.

There is the cost factor, and there is also the time factor. We may have been able to reduce the cost down now to just over £2 per card, including the postage, but the time factor becomes relevant, and the fact that the photographic ID can be used for other things. People will approach us not for voting purposes, and outside election periods. For example, in January 2019 we had 517 and then 537 applications. The fact that ID cards serve other purposes for members of the public has to be borne in mind in relation to the administrative impact and the time that is taken in terms of staffing—ensuring that your process is watertight, essentially—so that there cannot be further issues in relation to fears among the public about the process itself.

There have been huge efforts in Northern Ireland to ensure that the administration works, but cost and time are big factors. We do not, unfortunately, have records. I have picked the brains of those who have gone before in relation to the difficulties experienced. The passage of time can dim some memories, but it is my understanding that it was not an easy process without its challenges and challengers. However, it is now largely accepted. It has to be borne in mind that we are talking about an almost 20-year process. We do not get conflict in polling stations or challenges in relation to the provision of ID. We do not have a lot of problems in polling stations with people bringing the wrong ID. It happens occasionally, but it is generally not a problem. The bigger teething issues will be, as Peter says, to ensure that the authorities are prepared for it, and have proper processes, sufficient funding and some expectation of the demand that is projected.

**Q68 Peter Gibson:** Do you record any data in respect of voters intending to vote with the incorrect ID or no ID, who are effectively turned away from the polling station?

**Virginia McVea:** No, we do not. As you might imagine, in terms of queues it would probably take too long. We have had those kinds of discussions. Where you will get it anecdotally is in polling station logs and review processes, post election, with polling staff and polling station inspectors. It is not a common occurrence or a particular difficulty, but you also have to bear in mind that the parties are also very familiar with this process, so there is a lot of messaging that goes out beyond my standard messages on radio and local television. Just prior to polling day, the parties themselves do all they can to make sure people do not forget. As I say, it is a long process—over 20 years.

**Q69 Peter Gibson:** Thank you, Virginia. Ailsa, on the evaluation of the ID trials and pilots that took place, was it your finding that the majority of voters were able to vote without any issues?

**Ailsa Irvine:** Yes, that was our finding. We found that the majority of people took their ID with them when they went to vote, and of those who did not, or did not have it with them initially, most returned to vote.

That said, there is a significant public awareness task when the scheme is rolled out. That cannot be overstated. Even in the pilot areas, significant activity was undertaken by the individual local authorities and the parties locally to raise awareness and make sure voters understood what to do. That is something that would need to be replicated on a national level to make sure that it is supported when ID is introduced in Great Britain as a whole.

Indeed, at the commission we are already thinking about what our role would be in supporting that public awareness to make sure there is the broad awareness among everybody who needs to bring ID with them. There are specific types of awareness beneath that. We are working very closely with partners from across the third sector to make sure those who are less likely to have the required forms of ID know what they need to do to be able to go and cast their vote.

**Q70 Peter Gibson:** Thank you. We have heard from a number of witnesses today that the offence of personation is not a significant problem. Could I ask you to speculate a little? Do you believe it is underreported because the victim of the crime—the person whose vote has been stolen—is unlikely to be aware of it if they are not attending the polling station themselves? Could you comment on the view expressed by Lord Pickles in his report, where he says that it is harder to take out a library book from many local authorities than to be handed a ballot paper at the polling station?

**Ailsa Irvine:** It is difficult to speculate. We always want to be led by the evidence, which is why we collect data from police forces across the UK, which are responsible for recording and investigating allegations of personation. We see from that that there are relatively low levels of reported electoral fraud. Virginia mentioned earlier the point about tendered ballot papers. If we were seeing lots of people turning up to vote whose name had already been marked off, we would see that coming through in high levels of tendered ballot papers being issued in polling stations, which we have not seen.

It is a challenge. I am not saying it is easy, with personation as an identity crime, for that to be followed through, but any speculation about the level of that would be difficult, and that is not something that I would want to get into. As I said earlier, there is a vulnerability in the process, which we have recognised and highlighted over a number of years, if there is not any requirement to provide any form of ID.

**Q71 Peter Gibson:** May I ask you one further question on that? Obviously, following an election, a marked register is available to political parties, so they are able to identify voters who regularly attend the polling station and vote, and which elections they voted in. If it were available to a fraudster who intended to carry out the offence of personation, and they were able to use the identity at the polling station of a voter who does not regularly cast their ballot, would the offence of personation in that instance be available as evidence?

**Ailsa Irvine:** It would be difficult to see. Obviously, access to the marked register is controlled. It is only available for inspection in certain circumstances, and the use of it is only available in certain circumstances, so it is not widely available. It would be very difficult to know in any of these instances. It would be very much dependent of the individual facts of each case.

**Peter Gibson:** Thank you.

**Q72 Jerome Mayhew:** Ms Irvine, if I may carry on questioning you, you are obviously aware that the Electoral Commission has recommended the use of photographic ID, and you are in very good company. We heard earlier this morning from Lord Pickles who, as you will know, produced a report three or four years ago in which he listed a number of organisations that have come out in favour of photographic ID for our election system. That list includes the Association of Electoral Administrators, SOLACE and the National Police Chiefs Council domestically, but also international recommendations from the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights. There is a groundswell of advice coming the Government's way to introduce photographic ID to protect our electoral system from vulnerability to fraud. Can you expound for us the impact that vulnerability has on our democracy and the way people experience it?

**Ailsa Irvine:** We have highlighted that vulnerability for a number of years. As I said earlier, we see high levels of public confidence in our electoral process as a whole. That said, there are a proportion of voters for whom this is a concern and who would be more confident if a requirement was introduced. There is some evidence to suggest that some people would become more confident if that was introduced.

However, the one thing we said in our evaluation of the pilot schemes was that, in introducing any scheme, as well as ensuring it has an impact on increasing security, we ensure that its introduction does not have an impact on the accessibility of the voting process and that it is workable in practice. While there is a vulnerability and it makes logical sense for it to be looked at, it must be looked at in a way that not only protects security, but continues to ensure the ability of everybody to cast their vote.

**Q73 Jerome Mayhew:** That is a very good point, and it brings me neatly on to Virginia McVea, if I am allowed one further question. You have a lot of experience of the practical application of photo ID in Northern Ireland; I heard your evidence a moment ago that, now it is bedded in, the run rate is about 1,500 card applications a month—is that right?

**Virginia McVea:** That is usually during election periods. Outside an election period—

**Jerome Mayhew:** So it peaks?

**Virginia McVea:** Yes.

**Q74 Jerome Mayhew:** That is a very good indicator for us to extrapolate from the population of Northern Ireland being 1.86 million. We will all be busy with our calculators later.

[*Jerome Mayhew*]

The other advice you gave was that for the overwhelming of people there is not a problem—this is not an issue in Northern Ireland voting now, albeit after 20 years. Does that suggest that effective steps have been taken in the Northern Irish political process to raise awareness sufficiently to remove the concerns that some politicians expressed last week in the general debate, that many voters would be disenfranchised because they would turn up at a polling booth and they would not have the right ID? Is that a false fear once the system is bedded down?

**Virginia McVea:** We would have to time-travel back to the early 2000s to get a proper feel for the electorate's response, but if there is sufficient communication and if there is availability of the ID card, much of which will be down to the capacity of the administrators, it is something that people are now accepting of. We have challenges to the office in relation to access to absent votes and discussions around that, but we do not have discussions about photographic ID with any of the parties. Ensuring that those smart passes can be used in polling stations is helpful, so yes, there is a general acceptance.

When you are doing your sums, being mathematically challenged myself on occasion, be careful: we work to the eligible electorate, which may possibly be around 1.45 million, rather than the 1.8 million, which would make the sums even harder dealing with the small figures from Northern Ireland.

**Jerome Mayhew:** Thank you very much.

**The Chair:** I have Paul Bristow, Chris Clarkson, Nick Smith and Fleur Anderson remaining to ask questions, and we have until 3.15 pm, so can we be kind to each other? Thank you.

**Q75 Paul Bristow** (Peterborough) (Con): Thank you, Ms Rees. I will only ask the one question, to Peter Stanyon. We have heard evidence today from Gillian Beasley, the chief executive of Peterborough City Council, who does a fantastic job of making sure that our elections in Peterborough are done freely and fairly. She outlined some of the things that she has undertaken in Peterborough, such as CCTV, and the professionalism of her team and her staff. We have also seen how well some of the pilots have gone with voter ID. I have every confidence in the AEA and election administrators across the country to get this right. Do you have that confidence, too?

**Peter Stanyon:** I would echo the words that Gillian said this morning. At the end of the day, Peterborough has some challenges, and they face up to them superbly well. Whatever is expected of administrators, they will once again step up to that mark, but we should not underestimate the challenges that are being levelled not just by voter ID, but by the other elements of the Bill that make it harder and harder—more challenging—for elections to be delivered. I do not think you will find one electoral administrator who does not want to enfranchise people, who does not want them to cast their ballots or who does not want to provide that free and fair election. That is what it is all about; it is just

becoming harder and harder to do so. There are resource and training implications, but the really good practice that local authorities such as Peterborough are able to demonstrate is really helpful and is shared across the whole electoral community.

**Paul Bristow:** That is very reassuring to know. Thank you very much.

**The Chair:** I call Chris Clarkson.

**Chris Clarkson** (Heywood and Middleton) (Con): The question that I wanted to ask has been asked.

**The Chair:** Thank you. I call Nick Smith.

**Q76 Nick Smith** (Blaenau Gwent) (Lab): This question is to Ailsa Irvine of the Electoral Commission. Imprints and identification of publisher are important safeguards in our system. I have been a party agent previously, and we are well aware of the importance of fair comment and our libel laws. However, are digital imprints sufficient to improve transparency and prevent interference or misinformation, particularly from overseas?

**Ailsa Irvine:** Requiring digital campaign materials to include an imprint is something that we have been calling for for a number of years—it has been widely called for for a number of years—and it should go a long way towards providing voters with some information and clarity about who is paying to target them with campaign information. Given the massive boom in the number of people campaigning online, it is something that we know has concerned voters, and voters are telling us that currently they do not feel that they have confidence about where that information is coming from.

This requirement will go some way towards that, although the detailed provisions that are in the Bill at the moment will have some workability challenges around them—for example, by not requiring any unpaid campaign material from those that are unregistered to include an imprint. Although the Bill will bring more people into the category that will require them to register as a campaigner, there is still potential for unregistered campaigners to spend significant amounts of money on creating material and then disseminate it organically, and that would not be required to have an imprint. There is still a bit of a risk and a challenge around the provisions as drafted.

The inclusion of an address in the imprint is an absolutely critical factor, and that will help to demonstrate where a campaigner is based, and whether they are in the UK or otherwise. Again, if there is any activity taking place from outside the UK, although it would be transparent in these instances from the commission's perspective, and we would have a role in regulating this in relation to non-party campaigners, our remit stops at the UK's borders. We would not be able to go beyond that.

We have just got experience from the recent elections in Scotland where digital imprints were introduced for the first time. What we saw was that we have a community of campaigners who generally want to comply with the law. We did see good levels of compliance there, with people putting an imprint in place. When we became aware of any instances where that was not the case, we

took steps to call up the campaigners to try to bring them in line with compliance. We saw that this was something that can make a real difference to voters.

**The Chair:** Virginia and Peter, would you like to add anything to that? No. I call Fleur Anderson.

**Q77 Fleur Anderson:** Can I ask Peter Stanyon about the practicalities of issuing a voter ID card on the day? I think we all know of local elections where it is literally a handful of votes—I was involved in one ward where there were five votes between three candidates—so we know that it is really important that every single person who is eligible to vote can vote on the day. I think Virginia said that there is a six-week waiting list for ID cards in Northern Ireland. Can that be compressed to the day? What, practically, will happen when people turn up and they have just not got around to it? As you have all talked about, we saw that spike just before the elections, as with the pilot when ID cards were only issued up to the eve of the poll, rather than on the day. Will it be practical to get ID cards out to everyone on the day, so that everyone who can vote is able to do so?

**Peter Stanyon:** It is almost an impossible question, because you will not know the level of expectation until the day. If it was one person coming into the office to be issued with a card, then yes, that could be done. However, if it was 1,500 people on the day, then that is a different ball game. The reality is that if there were provisions to allow that on the day, we would need to know that very early in advance. We would need to get the structures in place and accept that there would be a cost. Resourcing would have to run almost independently of the election, because the election takes over the day itself.

Going back to my earlier comment, we all want to make sure that everybody is able to cast their ballot when entitled to do so, and to make that as easy as possible. However, even within the current electoral timetable, there are deadlines throughout the day: 5 o'clock for lost or undelivered postal votes; 9 o'clock on the day for changes to the registers. It is not right up to the last minute—there are already accepted deadlines.

Whether it is possible would depend on what is expected, which mechanisms are in place and the expectations on the individuals. Do they need to come to the office? Is it done on a regional basis? Whatever the resources, if that were the system, we would have to make sure that it was financed, resourced and actually deliverable, so that we do not have No. 15 through the door being turned down simply because they could not process that card at that time.

**Virginia McVea:** Could I clarify the timeline for the Committee?

**Fleur Anderson:** Please do.

**Virginia McVea:** The six-week turnaround period is what we use administratively outside of an election period. We do not have any complaints in relation to ID cards not being turned around within election periods, but that is only the case because of the significantly increased resources which ensure the cards are turned around very rapidly.

**Q78 Fleur Anderson:** How many additional staff do you have?

**Virginia McVea:** During an election period, we could have around 70 additional staff. We have a core staff of 30. So you can see why, when there is no electoral purpose, we need that six-week turnaround. Most cards do not take that long, but we give ourselves that space. In an emergency, such as the death of a loved one, when someone needs to travel and has no other photographic ID, we will turn the card around in 24 hours. The standard is to allow ourselves six weeks, and it is the significant scaling-up of staff during electoral periods that allows us to turn around the ID cards so quickly.

**Q79 Patrick Grady:** This issue came up in an earlier question by one of our Labour colleagues, but I would like to ask Virginia to say a little more about the practical process of applying for the electoral ID card in Northern Ireland, and in particular what identification is needed to be issued with the voter ID card.

**Virginia McVea:** Many of the applications are done in person. We do ID clinics, where we take an image of the individual, and then they fill out an application form so that we can verify their data across the data sets in Northern Ireland. We work using date of birth, national insurance number and so on.

**Q80 Patrick Grady:** So you do not need a photo ID in order to get your photo ID?

**Virginia McVea:** You do not need a photo ID, no. We have so many situations—this will happen to any administrator—where people use this ID for other purposes, such as accessing banking facilities and travel, because they simply do not have another form of photographic ID. Administrators have to be ready for that as well.

**The Chair:** If there are no further questions from Members, I thank the witnesses for their evidence. We will move on to the next panel.

### Examination of Witnesses

*Louise Round and Rob Connolly gave evidence.*

3.15 pm

**Q81 The Chair:** We will now hear oral evidence from Louise Round of SOLACE and Rob Connolly from Birmingham City Council. We have until 4 pm, so would the witnesses please introduce themselves for the record?

**Louise Round:** Good afternoon, everybody. My name is Louise Round, and I am the spokesperson for the Society of Local Authority Chief Executives, which speaks on behalf of returning officers. I am also the chief legal officer for Merton London Borough Council.

**Rob Connolly:** I am Rob Connolly. Thank you for inviting me. I am the returning officer for Birmingham City Council, and through my background as a lawyer I have dealt with Birmingham's election challenges and petitions since 2004—hence the reason I ended up as the returning officer.

**The Chair:** Minister, would you like to ask the first question?

**Q82 Chloe Smith:** I am happy to go first. Good afternoon and welcome to both our witnesses. It is great to have you with us; thank you for giving up your time in all the ways that you do, including a sliver of that this afternoon.

[Chloe Smith]

Rob, if I may start with you, this question goes on from the conversation we have just been having, which I think you were listening to, about the ins and outs of voter identification. As you mentioned in your introduction, regrettably in Birmingham there is that history of having had a major fraud event. I am interested, first, in your reflections on leading a council out of and onwards from that, because it cannot have been easy to do that, and how you might go about trying to give confidence to the city's citizens that they can trust in their elections.

If you need a moment to draw your breath, I will give you my second question as well, which is to invite you to provide some insights into the work you have been doing with other leaders of councils to look at what might be needed to implement voter identification—for example, training of polling staff, particular support that might be needed at polling stations and the many detailed questions that I know you have begun to give thought to.

**Rob Connolly:** I will take the first question to start off. As you say, Birmingham hit a low in 2004 with the various fraud cases that were going on, which resulted in a number of election results being set aside. I joined the elections office in 2009 in the capacity of a deputy returning officer, but even after five years we were still struggling to move away from those issues. I think it was not until 2018, when we had our last all-out elections, that I felt we were able to put the ghost of 2004 to bed for the final time.

When I joined in 2009, the biggest issue for me was not so much fraud itself, but the perception of fraud that remained. When allegations of fraud came up, they would be investigated; we were very lucky that West Midlands police took it seriously and had their own specialist unit that helped us with that. We would obtain evidence in polling stations and, if allegations came up about personation, for example, we would challenge it by asking, "What is your evidence?"

I remember something that put it into context for me. I asked a senior politician at the time what evidence he had of personation, and his response was, "I haven't actually got any, but I just know it goes on." That was not very helpful for me or West Midlands police in challenging it, so we decided to be quite "aggressive" in challenging people back: "Why do you think that? The data from our polling stations, which we get from our staff at the frontline, would actually paint a very different picture. There are very few allegations in that particular area of personation."

We would start to understand why people could not vote—maybe because they were marked as a postal voter. What happened there? Again, we have started to establish slowly over time, certainly for our elected members, that we could be trusted, and it is about restoring that integrity. I think this is part of that road trip.

**Q83 Chloe Smith:** As a follow-up, if my memory serves me correctly the judgment in the Birmingham case—we had Richard Mawrey with us this morning—included quite a few scorching comments that you do have to look for such things. It is not enough to look away and claim that it is not plausible that it could be taking place, and therefore never be prepared to look

for such evidence. In fact, he said you would have to be ostrich-like to not want to look for the evidence and make it better, as clearly you were seeking to do.

**Rob Connolly:** Absolutely. We cannot rest on our laurels simply because we do not know about it—that does not mean it cannot happen. Again, it comes back to that working partnership with West Midlands police, but also with all the political parties at a local level, because we often have post-election reviews with them. I go to my oversight committee, any issues are raised with me there and then, and we will take those away. If they have concerns and if we can improve things, we will work with them to implement those changes.

**Q84 Chloe Smith:** Yes, indeed. You are doing that to give residents confidence. Do you get a measure of that back from residents?

**Rob Connolly:** I suppose the way we get that is from the number of complaints about the process and, bearing in mind our electorate, we get very few. A lot of complaints come via members or MPs. We assure them about the processes, and we can have confidence that we have done everything we are supposed to do. I think that process does take time.

We have also been subject to a couple of reviews by the Commonwealth Parliamentary Association, where they have looked at it completely afresh and picked up a couple of issues, which we then dealt with. One of the biggest issues they came up with was, as an example, people in some communities go in and huddle together in the polling booth. We picked up on that very quickly and we sorted out giving instructions to all our staff on how to deal with it. We put up extra notices in polling stations saying only one person is allowed in at a time.

I also appointed some independent observers, such as former police officers and council employees, to go around independently—I would not know where they were going—to give me a warts-and-all impression of what it was like in our polling stations. I have nearly 500, so it is very difficult for me to know the ins and outs of every single one. That is why we put in extra resources—totally independent of me. The report is done and I then share that with my political groups, so they have it uncensored and we can work together to make those improvements.

**Q85 Chloe Smith:** Thank you. Would you be able to turn to my second question?

**Rob Connolly:** When we learned about IDs potentially coming in, we set up a working group based on a number of authorities, mainly core cities. One of our concerns with the pilots was that they did not reflect a large urban area, such as Birmingham, Manchester or Liverpool. We had some very basic concerns about how it would work. I caught the tail end of the evidence of the previous session. We have the same issues: how can we do this? It has been calculated that about 2% of people have not got ID. That is the equivalent of 15,000 people in my electorate.

If they all come in during the election period, how can I make sure that no one will be disenfranchised? That is quite a big task, and that is the same across the board. We are working closely with Cabinet Office officials. We have the opportunity to put those questions to them and help them understand some of the issues



we have at the coalface. That is sort of progressing. We are not just looking at voter ID. We are looking at all elements of the Bill. We have to be careful because it is not just about voter ID, but the impact of the whole Bill together and the impact that will have on administrators and our ability to deliver the election. There is an awful lot there, and it will impact us at a very particular time in the election process.

I have additional concerns from a Birmingham perspective, because potentially the first time this is introduced could be at a parliamentary election in 2024, as we will not have elections in 2023. That in itself would be a major concern for many. I do not think I am alone in that; there may well be other areas that will have that concern.

We meet monthly with the Cabinet Office. We take an element of the Bill, dissect it and feed back, and we are starting to get that information out. We have now started expanding. We have more authorities coming on board, who are very different from Birmingham and are more rural. How will they cope? We have asked the AEA and the Electoral Commission to start looking at it, so we have a joined-up look at how we can do this and give feedback to all administrators, to make sure they understand the implications and they can start planning now.

**Chloe Smith:** May I ask one more question to Louise and then I will hand on to other colleagues?

**The Chair:** Of course.

**Q86 Chloe Smith:** Louise, thank you so much for joining us and welcome to the Committee.

Acknowledging the breadth of what your members will be involved in, and I imagine you will be able to tell us a bit about how in many cases that spans from the registration process all the way through to delivery of polling day and much more, there is often discussion that says, "Well, let's just get this done in our elections, let's get that done. Let's add a scheme here, add a scheme there." I acknowledge that that can add up to a lot of asks on you and your teams, and those of your members.

With respect to overseas electors in this Bill, could you give us an insight into what has to be done at present to support the participation of overseas electors? What more do you think members will be doing to support a larger group of overseas electors being involved? Might you also make a comment about the number of days that you end up doing that during the election itself?

**Louise Round:** I would probably be right in saying that overseas electors is one of the areas that takes the most resource and the most ongoing year-round resource for most election teams. In many teams, there will be one person who is more or less dedicated to contacting overseas electors and reminding them to renew their registration. The proposal in the Bill to extend the period of time for which they can be registered without having to renew is welcome, in terms of reducing that burden.

As with all these things and a common phrase that you will hear us using, most registration events are driven by elections. We can do lots and lots of reminding, and we would, but it always tends to be the case that as

soon as an election is announced, particularly a general election, suddenly people remember to renew their registration. It is a full-time, ongoing programme that takes an awful lot of time and energy.

During the run up to the election, when suddenly there is a whole load more work to do, it obviously diverts people who are also dealing with all the other many aspects of the election. The time by which people can register makes that particularly challenging, added to which you have the issue of postal votes. Naturally, the further away someone lives, the longer it takes for their postal vote to go out to them and the longer it takes to get back. There is an awful lot of trying to make sure that voters are enfranchised and have a vote, but also dealing with fall out and complaints when it gets to election day and their postal vote has not been received.

Yes, it is a huge amount of work and the proposal to extend the number of people who can be registered as overseas voters will obviously create even more work, but the idea that you can be registered for a bit longer now is welcome. I could not say how many days and I probably could not put a price on it either, but it is a lot and it will depend on how many overseas electors any particular registration officer has.

**Q87 Chloe Smith:** Picking up on a recent debate in Parliament, Louise, would I be right in thinking that you would not like to see the electoral timetable reduced from 25 working days?

**Louise Round:** I think that would make what is already a very difficult task nigh on impossible.

**Q88 Chloe Smith:** Thank you very much for your insight. Is there any more that you would like to say about the particular processes that will be required to support overseas electors in demonstrating their connection to the constituency they are registering in?

**Louise Round:** As with all these things, some of the detail will come out in secondary legislation. At the moment, it is really tricky because registers are not nationally open. If someone has to show that they have not been on a register apart from in the constituency in which the particular registration office is operating, there is no way really of registration officers checking that, so in a sense it is taken on trust. There is no way for them to check the register even of a neighbouring constituency, let alone one at the other end of the country.

The obligation to be satisfied that someone has a local connection is obviously really time consuming, and it depends how well prepared the person wishing to register is and what evidence they can adduce. At the end of the day, the registration officer has to be satisfied. There is wording in one of the clauses around whether, had they applied a long time ago, they would have at that point been able to demonstrate a local connection, which all begins to get a little existential, almost, and very theoretical. We are not trained detectives, so there is a balance, as in all registration activity, between not wanting to make the requirements so tight that no one can ever be registered and ensuring that we are not registering people who are not entitled to be registered and might be constituency hopping, as it were, to find the most convenient place to register for a particular election depending on what is going on there.

**Q89 Brendan O'Hara:** Thank you very much for joining us. This morning, Richard Mawrey talked about the widescale postal vote fraud in Birmingham. What have you done to tackle that? What in the Bill helps you to further tackle that wide-scale postal vote fraud, and is anything missing from the Bill that would help you were it to be added?

**Rob Connolly:** I am not sure that something is missing from the Bill. What always surprises me is the number of postal votes that we get handed in on the day. We are talking perhaps 3,000 to 4,000 at a parliamentary election. We also recorded, as part of what happened, how many people brought the postal votes and in what numbers, and we often asked for names and addresses. There is no legal obligation to tell us, but in case there was a follow-up we tried to address that problem.

After the problems we had in Birmingham, the law was changed to deal with some of the issues that arose. To be honest, I am not aware that we have had major wide-scale problems in Birmingham, but it is not something that we can be overly confident can never happen again; it may do. We just have to be extra vigilant. That is where the joint working comes into play.

Restricting the number of postal votes that you can bring into a polling station may help, but we need to understand in a bit more detail the reasons behind it, because one of my concerns with the Bill is that you might be restricted to bringing in two postal votes into a polling station, but what is stopping you going to another polling station in the constituency and handing in another two? I also worry that by limiting it to such a small number we are potentially disenfranchising the honest person as opposed to your determined fraudster. A bit of work could be done around that.

**Q90 Brendan O'Hara:** Would it be safe to say that your biggest headache would be around postal voting, and being able to police how postal votes are managed and handled?

**Rob Connolly:** No, because with postal voting at the moment—I always put that qualification in—we have not had any issues. This is where we work closely with political parties, because we share information on how many we are getting back by ward and by constituency, so that they can spot any potential areas. We have always had a system in place that, if we have more than six new postal applications from a particular household, that would be flagged up and we would have a closer look. We have always put in measures to raise red flags. Individual registration and having to supply, for newer registers, national insurance numbers and dates of birth is helpful. We have the IT equipment whereby we do the signature checking, which is, again, very helpful. IT has moved on a lot since 2004.

**Q91 Brendan O'Hara:** Finally, how widespread have you found personation at polling booths since you joined the council in the early 2000s?

**Rob Connolly:** It is not a major issue that has been raised with me by either electors or political parties. We did keep some stats in polling stations as part of how to restore confidence in Birmingham. We would record, when someone came in, why they could not vote—for example, it could be that they come in and their surname is already marked off on the register. We have to do a number of years of research into that, looking, checking the numbers.

The two biggest reasons are, first, it was a simple error on the part of the poll clerk—often, it was a big family and they have just put the mark against the wrong person—and, sometimes, they came in but were marked as a postal voter. Again, it was a simple case of forgetting that they had applied for a postal vote. When we got that information back, we undertook that we would look at those cases, to establish whether there was any possible personation or other types of fraud. However, as I say, we have not picked that up and it has not come through to me from any source that personation has been a major problem. We cannot say that it has never happened or does not happen, because we do not know, but I am fairly confident that if it were widespread at a local level, it would have been picked up by party activists who would report it to us and to West Midlands police.

**The Chair:** Louise, do you have anything to add to that?

**Louise Round:** Just to echo what Rob said: the incidents of personation in all the years that I have been doing this have been zero—at least, that we have known about. There is a question about whether the cost and extra administrative burden of voter ID is strictly speaking necessary. As Rob said, it does not mean that it does not happen; we just do not know whether it has ever happened.

**Q92 Cat Smith:** Louise, in your earlier remarks, you were talking about overseas electors and how administering the applications and registrations for voting takes up the most time of electoral officers. With the removal of time limits—the 15-year limit on that connection—how much more resources would you expect local authorities to have to make available to service overseas electors? Also, you said that when overseas electors registered, there was an element of having to take it on trust. Do you believe that potentially opens it up to electoral fraud by overseas voters?

**Louise Round:** In relation to the additional work created by removing the time limit, it is hard to say at this stage. It will depend on take-up. We do not have—or I certainly do not have—any access to any information about how many people who have moved abroad but have not been on the register might now suddenly decide that they want to be. It is a bit of a “How long is a piece of string?” question. What local authority election teams will not be in the business of is gearing up to a just-in-case position. They will have to wait and see, prudently, what extra work comes their way.

On fraud, I do not think that is so much the issue as it is that if somebody has fallen off the register, as it were, then reapplied to be an overseas elector, they cannot have been on the register in a different place from the one they are now applying to. That is the bit where we cannot necessarily check that they have not been, but it does not mean that they are not entitled to be an elector in this country: it might just be that the place they are trying to be an elector in might not strictly speaking be the place they ought to be an elector in.

**Q93 Cat Smith:** I have a couple of questions for Rob. In your opening remarks, you mentioned how you had managed to put the “ghost of 2004” behind you in Birmingham. Does that mean the existing legislation on the statute books has clearly been sufficient for your council to turn that around?

**Rob Connolly:** Sorry, I couldn't quite hear the question. Will you repeat it, please?

**Q94 Cat Smith:** In your opening remarks, you said that you had moved on, in that this was no longer the problem that it was in 2004. Does that indicate that the current legislation is sufficient to combat the problems that you faced in Birmingham?

**Rob Connolly:** I would come back to the point that we can never rest on our laurels. There is always room for improvement. If we think something would improve the perception of the integrity of our system, I am all for it. As I said, the biggest problem for me was not about fraud itself; it was about the perception and how we dealt with that. For me, people have to have confidence in the system, otherwise how can they have confidence in their elected officials? That has always been the starting point.

That is why we have always gone over and above our statutory obligation. I know we had no alternative, but we found it beneficial. If we do more, we restore that integrity and confidence. I have read in recent reports that there is a fairly high confidence level in our electoral system at the moment, but, again, if we can improve it, we should look to do so at every opportunity.

**Q95 Cat Smith:** My final question is about the practicalities of a local authority running the polling stations. The legislation would require voters to show photo ID. The Minister has said in the House that there would be provision for privacy screens so that voters who wear headscarves for cultural or religious reasons can prove their identity. I think you said that you have about 500 polling stations in Birmingham.

**Rob Connolly:** Just under 500.

**Q96 Cat Smith:** Are you confident about being able to provide a female polling clerk at every one of your polling stations?

**Rob Connolly:** We have been talking about this as two considerations, really. We will have to start reviewing all our polling stations again to be able to have privacy screens in place, because some of them can be fairly small. We have a couple of huts, and we would have to revisit those. Again, on polling day, I probably employ around 2,500 all told, including the count, and maybe 1,600 at polling stations alone. Our ability to put a female poll clerk or member of staff in each one is something that will cause us some headaches, and we will have to revisit all our processes to make sure it happens. As it is, we struggle to recruit and retain staff, who come to the polling station literally for one day a year. They do not do it for the money; they do it because they want to part of the process—I am a very firm believer in that. That is a concern for me.

**Q97 Chris Clarkson:** Rob, I have just consulted the oracle that is Google by putting in “Birmingham electoral fraud”. It goes all the way back to 2005, and then there are articles from 2011. Interestingly, one from 2016 says:

“20,000 voters vanish from Birmingham's electoral roll”.

That was around the time that individual electoral registration came in. Obviously, a lot of work has been

done to combat some of that fraud already, and you should be commended for that, as yours is the largest authority in Europe. How far do you think the measures in the Bill will go towards challenging the perception of fraud, which is still there?

Secondly, you have both said that there are fairly low levels, or no levels, or personation that you know of. Do you accept that, although there is no voluminous information, it is quite an easy thing to do? By using a bit of nous or looking at a marked register, you can work out who does not normally vote, rock up and claim to be them, and vote without any challenge. Do you accept that the measure will go some way to adding extra safeguards to prevent that from happening in great numbers without detection?

**Rob Connolly:** The short answer is that, for ID, I think it will, yes. I do not know whether Louise has anything to add to that. It will add to that protection, and it will stop your casual fraudster from thinking, “Actually, I know they're not here, so I'll nip down to the polling station and act as Joe Bloggs.” It will prevent that type of scenario.

**Q98 Chris Clarkson:** Do you think it will give people more confidence in the electoral process?

**Rob Connolly:** Yes, I do.

**Chris Clarkson:** Fantastic. Louise, do you have anything to add?

**Louise Round:** I think it is self-evident that if people have to produce some form of ID, it minimises the risk of fraud in so far as there is any. Although confidence in elections is really high—the Electoral Commission's report, which was published yesterday, made that clear—some people certainly raise the odd eyebrow when you explain to them that they do not have to prove who they are, so it probably would help with confidence, yes.

**Chris Clarkson:** That has been my experience, too. Thank you very much.

**Q99 Fleur Anderson:** Rob, I would like to go back to the practicalities and your thinking about how you would roll out voter ID. How many additional staff do you think you would need all year round for the applications that come in? We heard earlier that Northern Ireland has ID clinics. How many additional staff do you think you would need for the election period and on the day itself?

To add to that, which groups are you concerned might be disenfranchised by this measure, meaning that you would be working harder to include them? We have had representations from organisations representing older people, people with disabilities, people who are black, Asian or minority ethnic, and women fleeing domestic violence, for example. Are you concerned about those groups, and might other groups be disenfranchised?

**Rob Connolly:** First, in terms of staffing numbers, I do not know the honest answer to that. We are trying to figure that through. I am already very much leaning towards saying that this cannot sit with my core elections office, because it is too big. What I would worry about is that they become swamped and that they will not be able to deal with their core election job: delivering the election itself.

I was interested when Virginia talked about 70 additional staff at the time; I had not even thought that it would be that high. To be honest, that is going to have to be a corporate response from the whole local authority. It is not something that returning officers can do in isolation. I am absolutely certain of that now. We have tried to figure out what that could look like, but until we know a bit more detail it is quite difficult. One of the questions that I have raised is, as I have 10 parliamentary constituencies, do I just have one core centre, or do I have to have something in each constituency to ensure that I do not have any barriers to people coming in? Why should they have to come into the city centre? I do not know.

In terms of who it potentially disenfranchises, that is a really good question. Back in November, I brought a report to one of my committees in the city council, just to flag that voter ID was potentially going to be introduced. They are better placed than I am to identify the vulnerable groups within their communities, so I am going to push the burden on them a bit to tell me who those communities are—older people, students or vulnerable people. I get on my hobbyhorse about students, because my son is 19 and at university. He has already lost two forms of ID, and that was during lockdown—[*Laughter.*] My advice to him would be: go to your local elections office and get an ID card. I know that it will not have any date of birth, as I understand it, but you have to be 18 to vote, so over time that could itself drive demand.

The other, related scenario is that my son is registered in Nottingham and in Birmingham. If he had lost his ID—like his passport—would he have to come back to Birmingham to collect something and then return to Nottingham to vote? The way the Bill is currently worded is that you will potentially have to make a declaration that you have no other forms of photographic ID. That is just one of those little areas that I had not given much thought to until my son was asking for something to replace his driver's licence. We automatically assume that, because they are younger, students have ID, but that is not always the case. We have to be a bit wary of that.

Some of my members have said to me, “I don't have any current form of photo ID.” These are people in their mid-30s or mid-40s. Again, until we actually get into the nitty-gritty of it and put it into practice, I am not sure whether we will entirely know—until the day or week itself.

**Q100 Nick Smith:** Louise, my sense is that you are pretty sceptical that much voter personation actually occurs. It was interesting to hear Mr Connolly talk about the difficulties that young voters may have in having voter ID easily to hand. My view is that simple systems boost participation and simple messages are key. What measures do you think you will have to use across the UK to inform our diverse communities that they will need voter ID, and what are your concerns?

**Louise Round:** I think that it will need to be tackled on a whole range of fronts. There will be a national campaign, and obviously the Electoral Commission will have a massive role to play in relation to that. However, if you take the vaccination programme, which was the most recent analogous experience, our experience is that small and local works. In Merton, as in many other councils, we used local community champions, in

some cases from the same ethnic backgrounds as some of the harder-to-reach groups: younger people and older people who can actually talk to people who may be less inclined to, or may not even know that they need to, apply for voter ID in a language and with experience that those people can tune into. It will take a huge concerted effort by the Government, the Cabinet Office, the Electoral Commission and local returning officers.

To pick up what Rob was saying about voter ID cards not being an electoral services responsibility, teams in London range from three to five people, so there is no way they can take on issuing voter ID cards in the middle of an election—as I said, I suspect that, however long the run-up, that is when all the pressure will be piled on. This is a corporate responsibility, and returning officers, generally speaking, are senior managers or chief executives in councils, so they will need to mobilise all their colleagues and make sure that everybody puts all hands to the pump so that we do not disenfranchise people.

**Q101 Peter Gibson:** I have two questions for Rob. In her evidence, the returning officer from Peterborough outlined that they had explored using CCTV in their polling stations. Could you comment on whether you have done the same and on whether that would be of benefit? Could you also outline whether all your polling station clerks are fully trained in the applicability of tendered ballots?

**Rob Connolly:** CCTV is something we explored in around 2010 or 2011, but we had a number of concerns, including that it might go the other way and affect people's confidence in the system, in that they might be worried that we were spying on them or would be able to identify how they were voting. We opted not to go down that route. We invested more in additional training for our staff. We even considered looking at CCTV outside polling stations for people who were entering. Again, we did not think, if there were allegations of personation, that that would really help us. We had discussions with West Midlands police about the evidential side of that, and CCTV would not necessarily help you identify who had committed any crime of personation or when. We know it would have been very difficult to prove. As I say, we invest more in our staff who are delivering the ballot papers, and what have you.

In terms of the question about tendered ballot papers, that is something we make sure we reiterate every election. We introduced a form for our polling station staff. If they gave out a tendered ballot paper, they had to give an explanation as to why—what was the reason? We would then spend some time collating that information post-election. That would do two things. One, if there were particular problems with particular polling stations and polling station staff, we could pick that up with them to find out why they were doing those things and fix that for next time. Two, we would then report that back to our members and give out numbers over the whole city, saying that x number of tendered ballot papers had been issued and giving the reasons why. I will be honest with you: there were times when they were probably issued wrongly, but that helped identify the issue so we could eliminate that from the process.

**Q102 Jerome Mayhew:** Mr Connolly, you were asked a moment ago about disenfranchisement, with specific reference to the first clause in the Bill, on voter ID.

Although the Bill has one clause relating to voter ID, it has five clauses relating to proxy and postal voting. We heard really powerful evidence about that from Mr Mawrey QC this morning. When he was asked his view about disenfranchisement, his evidence, which was absolutely stark, was that it was the Bangladeshi community who had had their votes stolen and harvested and who were overwhelmingly disenfranchised as a result of voter fraud. Would you agree with that expression of opinion?

**Rob Connolly:** When we had our 2004-05 issue, I don't think it was with that community.

**Jerome Mayhew:** I should make it absolutely clear that he was making direct reference to Tower Hamlets in that series of questioning. Rather than pinning it all on the Bangladeshi community, what I really want to focus on is that it tends to be minority communities who have had serious examples of electoral fraud—the kind of fraud that is dealt with in the proposed legislation. That is the area where most disenfranchisement has taken place historically.

**Rob Connolly:** As an example of that, there was a local election in which complaints were raised with us about potential fraud in the community by one of the candidates. People were potentially going to polling stations, and what have you. We did additional training for our polling station staff in that particular ward—myself and a police officer from West Midlands police—to explain what the particular allegations were and also what they could do to identify offending. In the petitions we have had, people have questioned the integrity of our polling station staff, which we vigorously defend, because 99.9% of the time they are absolutely honest. As I say, they come in for one day a year and without them we cannot deliver elections.

The sort of scenario you are talking about is often identified before an election, because the communities can sometimes be split by party lines. They will flag these issues up with us and we will work not only with the police, but with the political parties. I always think that to combat fraud, there are three parts of the jigsaw puzzle: the returning officer, the police and the political parties. If they all work together, that is how you combat fraud.

**Q103 Jerome Mayhew:** You mention the police as one of the triumvirate. How important is it that the police take electoral fraud seriously and get actively engaged?

**Rob Connolly:** West Midlands police always have done because of what happened in 2004 and the criticism they got at the time. It was a lesson well learned for them. Ever since then, they have taken such allegations very seriously. We work very closely with them and we have a point of contact. We will meet them in early January or in February to start preparing for the next May elections.

**Q104 Jerome Mayhew:** That is a definite improvement. Prior to 2004, complaints were called “Operation Gripe” in West Midlands police.

**Rob Connolly:** Yes, you are absolutely right.

**Jerome Mayhew:** It is fair to say there was room for improvement.

**Rob Connolly:** Yes.

**The Chair:** This will be the last question.

**Q105 Paul Bristow:** You said in your evidence that a feature of elections in Birmingham in the past has been people turning up at polling stations with a collection of ballots. That is a feature I know all too well from Peterborough—it happens all the time. There is clear evidence of postal vote harvesting. I know that it goes on. We see people knocking on doors down the street collecting ballot papers and postal votes. Do you feel that the provisions in the Bill will go some way to ending what is a pretty murky practice?

**Rob Connolly:** They do—I would like to think so. One thing we have to be careful about is that if we introduce voter ID, one of the unknown consequences could be that people say, “I can't be bothered to go and get my ID card.” Will they then think, “I'll go and get a postal vote instead.”? We just have to be mindful of that.

**Q106 Paul Bristow:** What about party activists collecting ballot papers and handing them in? The Labour party once had its own mock ballot box that it was taking around and asking people to put their votes into. I think we can all agree that that is a practice we ought to end, and we could end it.

**Rob Connolly:** After 2004, all the political parties undertook not to—

**Paul Bristow:** That is absolutely true.

**Rob Connolly:** The Labour party have signed undertakings before every election following that. It gets undertakings from its candidates and activists that they will abide by all the guidance. It shares that with me and gives clear instructions that, certainly in Birmingham, its party activists will not go anywhere near postal votes.

**Q107 Paul Bristow:** There is no excuse for it—do you agree?

**Rob Connolly:** The only reason you would allow it is if a disabled or elderly person wanted some help, but that is a service we can offer.

**Paul Bristow:** Yes, indeed. Thank you.

**The Chair:** If there are no further questions, I thank the witnesses for their evidence and we will move on to the next panel.

#### Examination of witnesses

*Dr Kate Dommett, Professor Justin Fisher and Darren Grimes, gave evidence.*

4 pm

**Q108 The Chair:** We will now hear evidence from Dr Kate Dommett of the University of Sheffield; Darren Grimes, a political commentator; and Professor Justin Fisher of Brunel University London. We have until 5 pm for this session, but we might be interrupted by a Division. Will the witnesses please introduce themselves for the record?

**Professor Fisher:** Hello, my name is Justin Fisher, and I am a professor of political science at Brunel University London.

**Darren Grimes:** Hello, I am a political commentator, and I campaigned for leave in the 2016 referendum.

**Dr Dommett:** Hello, I am Dr Kate Dommett and I am a senior lecturer at the University of Sheffield.

**The Chair:** Thank you. Cat Smith?

**Q109 Cat Smith:** Thank you, Chair. My first question is for Dr Dommett, regarding your research on digital campaigning. Obviously, for about a decade now, there has been widespread support and campaigning for additional imprints to be part of transparency around online campaigning. Do you feel that this is sufficient? Do you feel that it is future-proofed, and are there any changes or additions that you would like to see in the legislation, given your specialist knowledge in that area?

**Dr Dommett:** Thank you very much, Cat. First, it is very good to finally see imprints being tabled into electoral law. This is something that has been called for for 10 years. I have sent evidence to the Committee that outlines some small changes, but broadly I think there is support for this and it is likely to be welcomed. There are questions about the implementation of the proposals as drafted. For example, there is a lot of vagueness around what it means for an imprint to be “reasonably practicable”. From my perspective, that appears to be quite a big challenge in implementation. Is it going to be down to a campaigner, for example, to determine what is reasonably practicable? If that is the case, we are going to see imprints being placed not directly on the material itself, but on external websites. That starts to pose significant challenges not only for oversight, but for researchers such as me, who will be tasked with collecting all these instances to offer any scrutiny. That is a point of concern that I would raise.

The other issue is the distinction between paid and unpaid material, and the implications for what is regulated under each type of content. This is a very challenging issue, and it comes to your question about what is and is not being covered in future-proofing. It is notable that, in focusing on page content, we are talking about a very specific type of page content in relation to imprints. This is about being paid for dissemination, and it is a reflection of the huge growth in online political advertising and payment for dissemination on platforms such as Facebook. It leaves a big gap, so we are already seeing, particularly in other electoral contexts, things like influencers being paid to produce content that they then disseminate organically. That material would not be required, if it was being disseminated by an unregistered non-party campaigner, to contain the kind of imprint we are talking about. There are some questions about what will be left out under the Bill as currently drafted.

There are also issues of confusion around paid and unpaid content. One phenomenon that we see very often is that a piece of content will start paid and will then begin to be disseminated organically or, vice versa, it can begin as an organic piece of content and a campaigner can then decide to pay to boost it. Depending on the origins, it could create ambiguity about when an imprint is required.

I think there is also a challenging question, and I see both sides of it, about the regulation of unregistered third-party campaigners. There are of course valid concerns about the regulatory burden placed on those actors, but it does create an opportunity for something we have seen evidence for: a lot of organic groups that are very

small in scale co-ordinating to disseminate messages across social media. They would not have to carry an imprint under these rules. There is a very good example in Scotland, where this has already been tested and where both paid and unpaid material from all actors is required to have an imprint. I think it is interesting that the Bill is diverging from that practice, and I would raise a question about that.

On your bigger question about whether this is enough for the regulation of digital campaigning, I think my answer can only be no. That was being called for 10 years ago, and you only have to think back to 10 years to think about how much the digital space has evolved. There are huge questions around the regulation of digital campaigning, particularly about the power of our electoral institutions and processes. The democratic institutions that we have to oversee elections do not have any power to intervene in the activities of social media platforms, which now provide an incredible and very valuable platform for campaigning. The Electoral Commission in particular has minimal powers to compel information from those actors.

As a researcher, I may be expected to say this, but there is an incredible lack of transparency around digital campaigning because of the lack of data access available in that space, as it is a commercial realm. That means that it is virtually impossible to scrutinise what is happening in the digital space, and given the range of concerns emerging in that area, the Bill misses an opportunity to provide avenues for more information about what is happening online. Broadly, I would say that it is good to finally see this being taken forward, and I think there is potential for it to work well with a couple of clarifications.

**Q110 Cat Smith:** You touched on the issue of third-party campaigners, and beyond the digital side, the legislation actually gives the Minister for the Cabinet Office the power to remove the ability of a campaign charity, for example, to campaign in an election. Do you have any concerns about that? The recent legislation change in Scotland means that there would be a disparity in the UK. Do you think that could lead to confusion, particularly for UK-wide third-party campaigners?

**Dr Dommett:** Yes, there is definitely potential for confusion. One of my headline thoughts about the entire Bill is that it is a real missed opportunity to fundamentally rewrite electoral legislation to provide greater clarity, which has been repeatedly called for because we have a mismatch of regulations, so I think there are potential concerns. I have forgotten what you asked about—was it third-party campaigners? Apologies.

**Cat Smith:** It was about third-party campaigners and the Minister’s power to remove their ability to campaign.

**Dr Dommett:** I have concerns about the powers of ministerial discretion in a number of areas in the Bill. That comes to a different area of my research that is not focused so much on the digital side but on public perceptions. The importance of electoral processes—especially electoral oversight—being seen to have a high degree of independence is absolutely pivotal for public trust. I would have concerns about the Minister’s ability to exert discretion here. I think that is fine for parliamentary oversight, but Government interference could raise public concern.

**Q111 Chloe Smith:** Good afternoon to all three of our witnesses.

I will try to ask a question or two of each. Kate, sticking with you to start—very good to see you—will you give us an insight into the international picture of digital imprints? My understanding is that it is not a very long list of countries that have yet been able to address this and put it in place. I acknowledge your point that it has been a long time coming but, in turn, you will appreciate that is because we have taken time to do technical consultation quite comprehensively, which is needed here. Given that context, is it not the case that not very many other countries have managed to do this yet and we stand a chance of being in the lead?

**Dr Dommett:** You will have to forgive me, in that my research focus is largely the UK, so I cannot speak with as much authority here as I would like. There is some precedent for this around the world. What I am most familiar with is not national Government efforts, but the efforts made by social media companies in this area, where we have seen it rolled out at scale very successfully. As in a number of areas of electoral law, the UK is leading the way in terms of transparency, so I certainly agree that this is something that would help set a good standard, but there are certainly improvements that could ensure that this specific intervention marks a gold standard for what is done.

**Q112 Chloe Smith:** Thank you, that is helpful and one of the things that we will be aiming to do. Will you also recap for us the goal, or the problem, that you think the absence of a digital imprint gives rise to that needs to be solved? We did not start with principles, but went straight into the details of how we might improve the idea.

**Dr Dommett:** From my perspective, it is interesting to read the Cabinet Office's ambitions for this particular goal. They are extensive and varied. Primarily, this is about aiding electoral oversight and making it clear which actor is responsible for campaign materials, therefore providing a trail in order to determine whether any of the existing regulations have been violated.

In addition to that—this is where there is less evidence, interestingly, but where emphasis is often placed—this is about public transparency and increasing confidence and trust in the electoral process. In current debates, an awful lot of weight is placed on the ability of imprints to advance that goal. I would question whether we had the evidence that that is actually the case. It is something on which we have current live research ongoing here at Sheffield. We are looking at the relationship between seeing an imprint and a resulting increase in public trust. The primary goal, however, has to be that important one, which is providing a clear steer on where that information is coming from. That is vital because, from the public perspective, it helps. We all use cognitive shortcuts, so it helps us to orientate and understand the motive with which that actor is placing the content, which is very important.

**Q113 Chloe Smith:** Yes, indeed. May I quickly pick up on the third-party campaigning definition question which you have just discussed with Cat Smith? Will you confirm for the Committee that there is already a provision in the Political Parties, Elections and Referendums Act 2000—namely, section 88—that allows for a list of categories

of entities that are able to give a notification or, in other words, to register with the Electoral Commission as a third-party campaigner? That already exists in law and as a concept.

**Dr Dommett:** I am afraid that I am not an expert on PPERA, so I will not be able to comment.

**Q114 Chloe Smith:** Not to worry, we will pick that up later. Thank you so much for joining us. I turn now to Professor Fisher—welcome—and the notional expenditure part of the Bill. You have kindly already supplied some evidence to the Committee in which you say that you endorse the Bill's approach to that question.

**Professor Fisher:** The question of notional expenditure has exercised electoral law since the introduction of PPERA 2000. Essentially, before that we had no national expenditure as such. It has caused some difficulty with questions surrounding the role of national parties and their targeting strategies, and the accusation has been that candidate expenses are bypassed.

There are a number of ways one can look to solve the problem, but having looked at all the ones that have been suggested, it seems to me that they would cause more problems than the current situation. I welcome the Bill's attempt to bring clarity to that situation; for example, the notes around the Bill talk about the "leader 'soapbox' visit". In the research I have done on campaigns, I came across a slightly ludicrous situation in the last campaign where a candidate needed to hide from their party leader to ensure that the expenditure did not fall on the candidate.

However, in recent years there have been a number of cases that were distressing for those investigated and, in one case, the investigation led to a prosecution. The prosecution that followed the case in the 2015 election was very interesting, in that the person who was prosecuted was from the national party, rather than the responsibility falling on the agent or the candidate.

I welcome the attempt to clarify that; I have some concerns about the wording in the Bill, which refers to being "encouraged" to engage in some activity. It seems to me essential that the candidate, the candidate's agent and the relevant member of staff in the national party should be protected from any false accusation and that, therefore, there should be a proper documentary trail. That being so, the word "encouraged" leaves one open to misunderstandings and difficulties. It would be better for the principle to be in line with the acceptance of donations, where everything has to be on paper.

Coupled with that, it would be sensible for there to be a responsible person at the national party headquarters for authorising party expenditure in a constituency. There is no suggestion that that has happened, but it would perhaps protect junior members of party staff from taking the blame for something that had been authorised further up.

While I endorse the Bill, there need to be some safeguards, because in the past there have been suggestions that perhaps candidates and agents have had to take the blame for the actions of national party headquarters. Indeed, that is precisely what happened in a tragic case in 1997, and in a number of the cases I referred to that did not reach the court in 2015, there was some suggestion that candidates and agents were left rather more exposed than was necessary. I endorse the Bill. This is a difficult

area, but on balance I think this is the best approach. It recognises both the electoral system and the traditions that we have in this country—but there should be some tightening of the language in it.

**Q115 Chloe Smith:** Thank you. That is a very thoughtful reflection. I have always been struck by the need to continue to allow grassroots activists, volunteers and people who are not steeped in electoral law to be involved. Do you agree that there is a way here to encourage people to get involved without overbearing legal risk?

**Professor Fisher:** Definitely. In some ways, this refers back to the questions posed to Dr Dommett. I have some concerns about the over-regulation of elections. We have to accept that there is some activity that we simply cannot regulate, and one cannot have a situation where people who voluntarily engage in politics, which is a good thing—the vast majority of electoral agents are volunteers, and we would not want to prevent them from getting involved—find themselves on the end of a legal investigation as a result, perhaps, of a misdemeanour of which they were unaware. That is particularly true of electoral agents. The vast majority of them, more than 80%, are volunteers. It is some job to stand up and take on that role, in the knowledge that you could find yourself in prison.

**Q116 Chloe Smith:** Thank you. I am sure there may be some other questions around that later on, perhaps bringing in our other guest who also has experience there. Sticking with you, Professor Fisher, I want to ask about the provision on third-party campaigner registration—the new lower tier for registration—and the Bill's aim to restrict third-party campaigning to UK-based entities. You say that both of those make good sense, and hope that they serve to enhance transparency at an election. Can you explain why you take that view?

**Professor Fisher:** It seems to me that any piece of electoral registration around finance should be principally about transparency and trying to have an equal playing field, as far as that is possible. The tier for registration in England is out of step with the rest of the United Kingdom, so it makes good sense to harmonise that.

There is a real danger of third-party expenditure from outside the United Kingdom. It is right that the Bill seeks to regulate it, but I think that we must recognise that we will never be able to prevent it entirely. The internet falls outside of UK jurisdiction; we can deal with imprints, but it would be very difficult to stop a concerted campaign on Twitter or Facebook by a foreign actor. The principle is absolutely sound, and is something that has been practised since PPERA was introduced in 2000. The attempt to keep foreign activity out of elections is a problem that is found across the

globe. This is a step in the right direction, as long as we recognise that we will not be able to stop all of the activity.

**Q117 Chloe Smith:** Thank you so much. I will turn to Darren. Thank you for giving your time this afternoon. I am going to adopt the tone of Professor Fisher about the need to consider how much regulation is too much regulation, and how to encourage grassroots activists to be involved. Perhaps this is an area you might make a comment on?

**Darren Grimes:** Absolutely. I agreed with everything that Professor Fisher said. Briefly, as someone who was just a volunteer, and who does not know much about laws or statute books, I will set out why it is right for the law to make it easier for people to be part of the democratic process. Looking at what happened to me and others, a key concern for me is that if there were to be another referendum—and God help us if there were—people would be unwilling to put their heads above the parapet and be a responsible person for a registered campaign. I think that is a pretty damning indictment of where we are at in our democratic process.

Ultimately, as you have all said, a democracy that relies on volunteers would be left wanting if it was to be unable to recruit them. We would be poorer for the loss of their contribution. I have to say, with my hand on my heart, I would certainly not put myself forward as a responsible person in an election ever again—for as long as I live. It is not worth all the money in China for me to do that. That is pretty sad, and we should do anything that we can to make the process easier and more transparent, and for the Electoral Commission's role in dealing with those registered to be permitted participants in elections role to be much more transparent. Anything we can do to make the process much more streamlined, much more transparent, and much clearer will be beneficial for a volunteer-based democracy.

**Professor Fisher:** May I comment on that? So that there is no misunderstanding, I think we have to protect volunteers, but a difference emerges once you start spending money. I think that is a very important distinction.

**Chloe Smith:** Understood.

**The Chair:** For the benefit of witnesses, there is about to be a vote in the Chamber, so I thank the witnesses for their evidence, and the Committee will meet again here at 11.30 am to take oral evidence.

*Ordered,* That further consideration be now adjourned.  
—(David Rutley.)

4.25 pm

*Adjourned till Thursday 16 September at half-past Eleven o'clock.*



**Written evidence reported to the House**

EB01 Dr Katherine Dommett

EB02 Professor Justin Fisher



# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## ELECTIONS BILL

*Third Sitting*

*Thursday 16 September 2021*

*(Morning)*

---

### CONTENTS

Examination of witnesses.  
Adjourned till this day at Two o'clock.

---

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

**not later than**

**Monday 20 September 2021**

© Parliamentary Copyright House of Commons 2021

*This publication may be reproduced under the terms of the Open Parliament licence, which is published at [www.parliament.uk/site-information/copyright/](http://www.parliament.uk/site-information/copyright/).*

**The Committee consisted of the following Members:**

*Chairs:* †CHRISTINA REES, SIR EDWARD LEIGH

† Anderson, Fleur ( <i>Putney</i> ) (Lab)	† Randall, Tom ( <i>Gedling</i> ) (Con)
Bell, Aaron ( <i>Newcastle-under-Lyme</i> ) (Con)	† Rutley, David ( <i>Lord Commissioner of Her Majesty's Treasury</i> )
† Bristow, Paul ( <i>Peterborough</i> ) (Con)	† Shelbrooke, Alec ( <i>Elmet and Rothwell</i> ) (Con)
† Clarkson, Chris ( <i>Heywood and Middleton</i> ) (Con)	† Smith, Cat ( <i>Lancaster and Fleetwood</i> ) (Lab)
Furniss, Gill ( <i>Sheffield, Brightside and Hillsborough</i> ) (Lab)	† Smith, Chloe ( <i>Minister for the Constitution and Devolution</i> )
Gibson, Peter ( <i>Darlington</i> ) (Con)	† Smith, Nick ( <i>Blaenau Gwent</i> ) (Lab)
† Grady, Patrick ( <i>Glasgow North</i> ) (SNP)	Adam Mellows-Facer, Chris Stanton, <i>Committee Clerks</i>
† Hollern, Kate ( <i>Blackburn</i> ) (Lab)	
† Hunt, Jane ( <i>Loughborough</i> ) (Con)	
† Mayhew, Jerome ( <i>Broadland</i> ) (Con)	
† O'Hara, Brendan ( <i>Argyll and Bute</i> ) (SNP)	† <b>attended the Committee</b>

**Witnesses**

Heather Harper MBE, Chairman, Conservatives Abroad

George Cunningham, Chair, Liberal Democrats Overseas

Anne Wafer, Communications and Social Media Officer, Labour International

Maurice Mcleod, Chief Executive, Race on the Agenda

## Public Bill Committee

Thursday 16 September 2021

(Morning)

[CHRISTINA REES *in the Chair*]

### Elections Bill

11.30 am

**The Chair:** Before we begin, I have some reminders. I encourage hon. Members to wear masks when they are not speaking. Please also do what you can to give one another and members of staff some space. *Hansard* colleagues would be grateful if Members emailed their speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk). Please switch electronic devices to silent mode. Tea and coffee are not allowed during sittings. We just have some private business before we start.

11.30 am

*The Committee deliberated in private.*

#### Examination of Witnesses

*Heather Harper, George Cunningham and Anne Wafer gave evidence.*

11.31 am

**Q118 The Chair:** We are now sitting in public and the proceedings are being broadcast. We will take oral evidence from Heather Harper MBE, chairman of Conservatives Abroad, who is on Zoom, from George Cunningham, chair of Liberal Democrats Overseas, in person—he will be brought in now—and from Anne Wafer, communications and social media officer for Labour International. She is having a bit of trouble joining us at the moment, but we will make a start.

Before the first Member asks a question, I remind all Members that questions should be limited to matters within the scope of the Bill and that we must stick to the timings in the programme order that the Committee has agreed. For this session, we have until 12.15 pm. Could the witnesses please introduce themselves? Heather, would you like to go first?

**Heather Harper:** I am Heather Harper, chairman of Conservatives Abroad—the global network of Conservative members and supporters around the world.

**The Chair:** Thank you. George Cunningham, would you like to introduce yourself?

**George Cunningham:** Thank you very much. First of all, honourable Members, I am very happy to be with you today. I am the chair of Liberal Democrats Overseas, which is one of three local parties that are abroad, the others being LibDems in France and Liberal Democrats in Europe. I am the chair of Lib Dems Overseas; I have also been chair and vice-chair of Brussels and Europe Liberal Democrats, so I have covered geographically all the areas of the party outside the UK. I stood for Parliament in the 2015 UK general election while being

disenfranchised because of the 15-year rule, so I was a candidate without a vote. It is very nice to be with you today.

**The Chair:** Thank you.

**Q119 Cat Smith** (Lancaster and Fleetwood) (Lab): I thank the witnesses for giving up their time this morning to allow this Committee to find out a little more about your thoughts on this legislation. I am going to make the slight assumption that all the witnesses have had the experience of being an overseas elector. Could you all outline your own experiences of being an overseas elector, in terms of being able to receive and return a ballot paper in time to make the deadline for the election? I ask because we have seen evidence showing that a lot of overseas electors' votes do not get counted because they do not get returned in time. Mr Cunningham, would you like to go first and outline any experiences that you have had that the Committee would benefit from knowing about?

**George Cunningham:** It is important that we try to take as much of the pressure off the councils having to do this and try and automate things as much as possible. Effectively, using a purely postal system is denying thousands the ability to vote and in some countries, such as Indonesia and parts of Africa, there is no postal service worth talking about. The outcome is that British citizens living closest to the UK get a chance to vote, but it is denied in far-flung places. If you imagine the numbers in Australia, for instance, of British citizens, you are basically excluding almost a million over there out of the 5.5 million or so British citizens abroad.

The problem is accentuated further with the abolition of the Fixed-term Parliaments Act and a possible shortening of the time period between the proroguing of Parliament and election day. There is also an issue—and this is personal experience—of prepaid envelopes. In some countries, local postal offices that do not really get the information do not accept them as prepaid. They just chuck them in the bin because they do not have local or national stamps on. So it might be best not to have them prepaid so that post offices see that the correct postage stamps have been put on for mailing.

As coming up with a secure system online voting does not seem yet to be on the cards, our embassies and consulates could get involved, as is the case with other countries. A few days could be saved if they were posted out by the embassy on the day the election was called, based on the register held there. Alternatively, ballot papers could be downloaded from the UK website, limited to those who have registered online via the gov.uk website, and then mailed back, because that cuts in half the amount of time for the stuff to come back.

Proxy votes are not adequate because we are talking about people who have been away for more than 15 years so they have lost a lot of friends, perhaps even through death. We have to do the best we can to speed up this whole process, and also to reduce the pressure on councils.

**The Chair:** Thank you. Heather, would you like to add anything?

**Heather Harper:** Only that, although I have been an expat for many years, I have not personally voted from overseas. However, having worked on these matters

with so many of our overseas voters, I would say that I am very strongly supportive of the Bill in its current state because it addresses so many of the issues that have arisen from the complaints, in just some of the things that are addressed, and the difficulty in overseas voting. What is in the Bill is very streamlined and will increase overseas voters and make it much simpler and easier to vote—or register, rather.

**Q120 Cat Smith:** I have one follow-up question. There have been concerns raised that this legislation, by expanding the franchise for overseas electors and removing the 15-year limit, would also allow permissible donors. I was just wondering if the witnesses had any thoughts on whether those two issues should be separated: the right to vote and the issues of keeping transparency in regard to money in British politics separate. Do you have any thoughts, Mr Cunningham, on the separation of financial donations and the franchise?

**George Cunningham:** They are two separate issues. It is important to recognise that a lot of people living abroad are pensioners or teachers—they are all kinds of people from ordinary walks of life like ourselves. They are all equal in front of the law and in front of God, let us say. That is one issue. There is a separate issue concerning the financing aspects, which, of course, many of us consider to be very unsatisfactory, but I do not think it has affected things enormously. The fact that companies can donate and so many companies that are foreign are on the stock exchange and de facto foreign, and through their subsidiaries they can donate to the parties here: that is the critical issue that needs further addressing in a separate Bill. I think it should be disassociated from the Elections Bill.

**The Chair:** Heather, would you like to add anything to that?

**Heather Harper:** Yes, I would. Electoral law regarding donations to political parties is set out in the Political Parties, Elections and Referendums Act 2000, which already allows British citizens on the electoral roll to donate to any party. UK nationals living overseas are not foreigners, and they should not be conflated with foreign donations. I do not see any significant effect on donations. It may increase our membership, which is £25 a year—quite honestly that is hard enough to get most of the time. Conservatives Abroad is not an organisation that solicits large donations; our emphasis is on engagement. There is already a robust a legal framework in place that bans foreign donations—I do not see any significant increase there. What is important now is to increase the awareness of voter registration.

**The Minister for the Constitution and Devolution (Chloe Smith):** A big welcome to our two witnesses. George, it is lovely to see you again in person, and Heather it is very good to see you again. Is it the case that Anne is still unable to join us?

**The Chair:** Unfortunately, we have no news, so we have to press on.

**Q121 Chloe Smith:** Not to worry, but in principle, it is great to have a cross-party panel to discuss this part of the Bill. Picking up on Heather's theme of British citizens abroad not being foreign: do you think they should be treated differently in any way to citizens here in the UK?

There will be a few logistical differences, but do you think we ought to endeavour to treat them as similarly as possible to other kinds of citizens on the electoral register?

**Heather Harper:** I think they should be treated exactly the same. One of our expatriates in France said,

“We want to be able to live our lives not as some kind of second-class citizens denied our right to participate in the democratic processes of our country, but as fully capable and fully recognised citizens of the UK.”

Minister, our British citizens have a long history of living and working overseas, starting with explorers, engineers, teachers, scientists, hospitality workers, sportspeople, financial services and health workers. Many of them return to our country with a new-found wealth of knowledge and experience that they gained overseas. They should be treated exactly the same as every British voter. We are one of the few democratic countries in the world that actually denies, and puts a time limit on, their citizens' right to vote. In answer to your question: they should be treated equally.

**Q122 Chloe Smith:** Thank you, that is very clear. George, if I could pull up this theme with you, can you describe a few ways that British citizens abroad do have a legitimate interest in politics here? For example, I know that you have a specialism in foreign affairs—there is one heading to start with. Perhaps, you can go from there?

**George Cunningham:** First up, I have to say the Liberal Democrat party has long campaigned for the abolition of the 15-year rule and for establishing the institution of overseas constituencies, which we feel is the best way for people to have their voices heard. Perhaps we will come back to that. The commitment to both of these is featured in our 2017 and 2019 general election manifestos. We support the Bill's aim to abolish the 15-year rule as an important first step for British citizens having equal rights, to be properly represented and to have their voices heard.

With that in mind, we have the unfortunate—from our perspective—situation of the referendum in 2016, which showed that a lot of people who had lost their vote were not able to participate in something that would fundamentally change their lives in Europe. That is the most prominent thing that has happened, but there are many other things that, if we had MPs representing overseas constituencies, are issues of concern to overseas voters regarding the UK. For instance, unfreezing pensions; in Australia, Canada and in many parts of Africa where, if there is not a reciprocal agreement, people's pensions are not increased, meaning that they receive something like a quarter of the pension received by UK citizens here. This is an important campaigning issue. Another is NHS access. We have a member who is very sick at the moment, and it is not possible for him to access the NHS because he has not been living in the UK for a while. There are many issues there that are of great importance to us.

Our voice will be heard so much more. Many of those who will have been abroad for more than 15 years when the rule is, hopefully, abolished are of course pensioners, who are the most affected by these things, which have to be addressed. Those are some examples of issues that are of concern to UK citizens abroad in terms of the importance of treating everybody equally—all citizens being equal in front of the law.

**Q123 Chloe Smith:** Thank you so much. I have one last question to both witnesses. Members of the Committee will know that I am very keen on the correct use of terms in this area. When we say “disenfranchise,” we should talk very specifically about the ability to be registered to vote or not to be registered to vote. This area of the Bill actually is one of the narrow areas where that is a relevant concept, because of course it seeks to enfranchise more. Currently, there is disenfranchisement happening for citizens who have been abroad for more than 15 years. I wonder whether you might have some examples or anecdotes from your members or friends of how that feels—on the day that one has lived abroad for more than 15 years, one is suddenly kicked off. Perhaps you might have some examples of how that feels from your members’ perspectives.

**Heather Harper:** I have many examples; I have just mentioned Christopher from Paris. My inbox is full of people from around the world who are so angry about their right to vote because they basically feel that they are not valued. I do have to say, though, that this is not a party political issue. This is about granting the right for all British citizens to register to vote, so I have to acknowledge the fact that Harry Shindler, of the Labour party, has been campaigning for his right to vote for the last 20 years. I have been working hard—with support, indeed, from Labour International—to represent all the people who have been disenfranchised. Harry, by the way, says,

“I fought for my country”—

he is 100 years old

—“and I feel that I have been fighting for my right to vote, why should I be denied that?”

The Bill will improve the House significantly. It will get people to actually register, and it will encourage people who have fallen off the register because of the difficulties that they have faced: they come up to the 15-year rule and think, “No, I can’t be bothered, because I am going to be disenfranchised,” or they face difficulties in having to annually re-register.

Minister, removing the 15-year rule and treating everybody equally removes the uncertainty about who can and who cannot vote. By making the registration last for three years, the process is less cumbersome and more people will be encouraged to engage with it. By introducing the prior residency criteria, the Bill is going to help, in particular, younger family members who have not previously been registered in the UK.

The Bill addresses so many of the issues that actually have stopped overseas British citizens from registering to vote. I hope that that goes some way to answering your question.

**George Cunningham:** Two things come to mind. One is Brexit and the impact that it has had on our citizens in the European Union. This is an ongoing issue that has not been resolved. They are very frustrated about the fact that many of them had no say, and then were left in the lurch in many respects. To give them the vote will perhaps push more of an interest within Parliament to protect their interests and see ways in which the situation they face can be alleviated.

It does depend on the country within the European Union and the reactions towards our citizens, and I am happy to say that many countries have tried to be as helpful as possible concerning our citizens, albeit in terms of residency rights that is a bit of an issue. There

will be a voice for those who are in pain because their pensions have been frozen, and perhaps it would then become more of a political issue. Certainly in our party we would be encouraged to put some overseas issues into the manifesto for elections, and I think that would be very helpful to them. I actually see positive things.

Of course, if there are no overseas constituencies, it would be so much simpler to register. If a person has a British passport and is above the age limit, then surely they would be able to vote for a constituency, which has a geographical limitation. This would help, for instance, where a child has not been living in the UK—at the moment they continue to be disenfranchised, even if they are British citizens. This would overcome the problem.

**The Chair:** Before I bring Patrick Grady in, we have good news and bad news. The good news is that the technical fault is nearly resolved; the bad news is that we are not quite there yet. Minister and Cat Smith, would you be content to repeat your questions to Anne Wafer once she joins, if we have time?

**Chloe Smith:** I am happy to, as long as it does not take time away from colleagues.

**The Chair:** Is the Committee content with that?

**Hon. Members indicated assent.**

**The Chair:** Thank you.

**Q124 Patrick Grady (Glasgow North) (SNP):** I am interested in the point about the children of overseas voters, because one of the effects of removing the 15-year limit is that there could be voters who have lived overseas for 15, 16, 17 or 18 years. An individual can vote at the age of 16 in the Scottish Parliament now, and I think it is the same in the Welsh Senedd elections. Sixteen-year-olds cannot vote in the UK yet, but someone who has been outside the UK for 16, 17 or, indeed, 18 years will be able to vote. There will be people joining the electoral register at the age of 18 who have spent their whole lives without a vote in the UK, while people who have spent the equivalent amount of time away from the UK will now continue to be able to vote. I would be interested in any reflections on that.

I was also interested in something you said in passing, George, about an overseas constituency. I wonder if either of the panellists have a view on that. At the moment, a vote goes towards wherever the voter last resided, and I can well understand the point that although someone maintains an affinity for their country and has citizenship of the UK, surely after a considerable passage of time the local issues in the constituency will have changed considerably. Not every single overseas voter will still be paying attention to the exact circumstances in the constituency in which they lived. Is there any merit in the concept—which exists in other parliamentary democracies—of a dedicated overseas constituency that is represented by an MP for the overseas?

**The Chair:** Before you answer, may I interrupt to say that our third witness, Anne Wafer, is now with us. Anne, would you introduce yourself to the Committee please?

**Anne Wafer:** I am sorry for the delay; my computer decided to update something at just the wrong moment and it is now running a bit slowly, so it may not be perfect. It has been fine—it was perfect for the test.



Anyway, I am from Labour International, the international section of the Labour party. I am the communications officer. We have about 3,000 members, who live all over the world. I live in Slovakia and am the secretary of the central and east European branch. I could answer the question that has just been asked. Is that okay? Can I carry on to that, or do you want to know more about me?

**The Chair:** No, that is a lovely introduction and we will leave it to the first two witnesses to answer that question first, and then you can come in, Anne. That will be fine. Heather, would you like to go first?

**Heather Harper:** I am not in favour at all of an overseas constituency. The home constituency is and always has been the fundamental building block of democracy. All Britons overseas hail from all parts of the country, and their insight into their home constituency should not be lost in any way. Nor should their voices be muffled by being aggregated into a few catch-all expat seats.

Boundary changes may have occurred and may still occur to those constituencies from which our members departed when they went out to the world to study or work, but it is the town or area that our members call home. I think that is fundamental.

An idea that some members of Conservatives Abroad have come up with is an expats office, akin to the one that has looked after British veterans' affairs under various Governments. Such a ministry, office or agency would be able to serve as a focal point for communication to and from expats, enabling the Government to gain insights from our global Britons and to swiftly address all the concerns and queries raised by expats.

**George Cunningham:** On my side of course, as we say in our manifesto, we are for overseas constituencies. We look at France especially, but also at other countries, to see how well that system works. Specific issues that are of concern to our members and other British citizens abroad are specific to being abroad. For instance, say in Australia or in Canada, when it comes to frozen pensions, they want the Government to negotiate an arrangement with the Government of Canada and the Government of Australia—a reciprocal arrangement—so that they can upgrade their pensions to a proper level.

These are the kinds of areas—that is just one of them, but there are many other areas, for instance within the European Union—where people want to have a way to funnel their view. If you dissipate that voice across 650 constituencies, only a tiny number of people in each constituency voice that view within the totality of the work of the Member of Parliament.

We understand that maybe we cannot reach overseas constituencies yet; we understand that this Bill is a building block. That is why we support this Elections Bill when it comes to the overseas side—pretty much—but we would like to see overseas constituencies as a stage 2 in due course.

**Anne Wafer:** I left the UK in 1978. Before then, I was a student and then I lived in a few different places. The job I had before I left was a one-year contract, so I cannot actually remember where I was last registered to vote, and this could be a problem; it may be a place that I do not now have a lot of connection with. Obviously you cannot just choose a constituency at random. If

there was the opportunity to pick one that you had some proven connection with, rather than the last one, I think that would suit us better.

Also, I wonder how we can find out. I am pretty sure that I was registered, but I do not have a clear memory of it, because in those days you did not have to register yourself. How do we find out where we were last registered and how do we prove it?

Moreover, I know that our members have been talking about having a constituency for overseas citizens, or would be interested in that, but I am not sure that now would be the time to include that. If this becomes law, as it probably will, potentially a lot more people will become interested in joining political parties and registering to vote, so for that reason perhaps an overseas constituency is a good idea. At the moment, we will probably just take this step, if we can. But we have certainly been considering it, and some of our members live in countries where that is allowed—where they do have overseas constituencies. So yes, we would look at that favourably.

**The Chair:** Only one member of the Committee has indicated that they wish to ask a question, so I now call Cat Smith, the Opposition spokesperson, and then the Minister to ask a couple of catch-up questions.

**Q125 Cat Smith:** It is good to have you with us, Anne, having resolved the technical issues. My opening question to the other panellists, before you joined us, was about the experience of voting as an overseas elector and delays in the postal system. Do you have any thoughts on how the Bill could be improved to ensure that overseas electors who have a ballot could return it in time for the close of poll?

**Anne Wafer:** I am very pleased to meet you, Cat. The last constituency where I was registered to vote may well have been Lancaster, your constituency, because that is where I went to university, and I would be very happy with that.

On problems, I have been abroad for more than 15 years, so I do not have a vote. I notice that the Bill will extend the vote for parliamentary elections, but it does not mention referenda. I think that is an important omission, because it is a big bone of contention for our members that we could not vote in the EU referendum. I did see some news that said we could vote, but then the same day I saw another piece of news saying they had decided we could not.

Brexit has affected our right to free movement within Europe and our right to bring home any European-born family members, for example, which is going to be much more difficult. A lot of people would have liked to return with partners, family members and foreign-born children, and maybe elderly parents who need care and do not want to be left behind, but that is much more difficult now. We would very much like to have voted in that referendum, although it probably would not have made any difference to the result. However, there could be future referenda, perhaps to rejoin or for regional assemblies, or anything like that, so we would like referenda to be included.

There will be quite a lot of bureaucracy involved. I feel as though I have been swotting for an exam that I never attended the classes for, because I have stepped

in fairly last minute and I have not paid particular attention to the Bill before. However, I do know what our members' opinions are, because they have been campaigning for a long time for voting rights to be extended to people who have been abroad for more than 15 years. One of our best known members is Harry Shindler, who lives in Italy and turned 100 in July. He has been campaigning for the extension of voting rights for a long time, and I am sure that some of you have worked with him—Heather, I have seen a photograph of you with him. He is still a very active member at 100 years old.

We are very strongly for this part of the Bill, but there are other parts that we are not so happy about. There will be quite a lot of bureaucracy involved. We are used to that, because anyone who has lived abroad has had to fill in forms for British bureaucracy, or the bureaucracy of whatever country they live in, but hopefully registration will be made much simpler for everyone.

I notice that there is a section on accessibility. Accessibility at polling stations does not affect us directly, but it does affect our family members, so we think that should be a lot stronger.

**Q126 Cat Smith:** If I might interrupt slightly, Anne—I apologise—it might help if I direct some more specific questions to you, because I did ask a specific question to both the other witnesses this morning about political donations. Concerns have been raised about how extending the franchise also makes overseas electors permissible donors, with no time limit. Do you think there is merit in separating permissible donors from eligible electors?

**Anne Wafer:** That could be a concern, because the perception is that British people who live abroad are all wealthy and living in tax havens with lots of money. That is not necessarily true, certainly among our members. I have not studied that part of the Bill closely, but there does now seem to be a potential for wealthy people living abroad to be allowed to send huge amounts of money to their favoured political party. There needs to be some regulation of that. I cannot really say any more about it because I have not studied the details of exactly how that would work under the Bill, but yes, I would be concerned about that.

**Q127 Cat Smith:** Very quickly, you told the Committee earlier that you left the UK in 1978 and are not entirely sure if or where you were registered when you left. You were asking how you could check that you were registered to vote, and there are no records, so do you recognise the potential for electoral fraud, given the lack of records going back more than 15 years?

**Anne Wafer:** I do not know. I study genealogy, and there are electoral registers going way back to the 19th century, so I wonder why there are no records, because that is news to me. I assumed there would be. There would need to be some proof that you had that connection and lived in a particular part of Britain. I am getting my pension from Britain, so that should be sufficient proof, for example. It is not a very big one—I am getting a tiny pension—because I left quite early, but I am getting one, so there should be an alternative way of proving that you had that connection and had lived there.

There are a lot of measures in the Bill on voter fraud, but there does not seem to be much evidence that it actually happens. I am sure there are ways to prevent

it without disenfranchising people, which has a bigger effect on the electoral result than small amounts of voter fraud. As people who live abroad, we have to jump through so many hoops to sign up to register and get proxy votes, and I do not think the potential for voter fraud is very high. Obviously there need to be some protections in place, but it should not be too difficult to prove that you have lived in a place. If you have a pension from Britain or had a job in Britain, there must be some record that you lived there.

There should be some flexibility in what records could be provided if no record can be found that you were on the voting register, because we do not want to be disenfranchised on that account. Although I have lived abroad for a long time, I still have a lot of connections. I lived in Ireland before I came here, but I visit my family every year when I can—of course, the pandemic has prevented that—and take a strong interest in politics.

**The Chair:** Thank you, Anne. We are running out of time, so I would just like to squeeze the Minister in.

**Q128 Chloe Smith:** Anne, welcome. It is lovely to have you with us and thank you so much for your time. If I may start with a reassurance for you personally, given what you have been saying, the Bill includes exactly what you are arguing for: that you should be able to prove either last residence or registration, which are the two tracks that answer your concern.

**Anne Wafer:** I did see that, but I was not quite sure how that would work in practice. I did see something—maybe not in this Bill—about how if you had left before you were old enough to register, then you could prove residence. Hopefully it is not just limited to that but is extended to everyone.

**Chloe Smith:** That's right, Anne.

**Anne Wafer:** Can you assure me of that? It might have been a preliminary discussion—

**Q129 Chloe Smith:** We think the Bill as constructed covers, if you like, children in both categories—those who were born abroad and those who were born in the UK and moved. We think we have got that covered with the residency and registration idea. May I just—

**Anne Wafer:** Does it cover oldies like me, though—the residency?

**Chloe Smith:** Absolutely, yes.

There are three questions I put to the witnesses previously. I will ask them swiftly. I asked, first, whether witnesses thought that British citizens overseas should be treated as equally as possible with British citizens in the UK. Secondly, I invite you to suggest what kinds of policy topic matter to overseas citizens. In other words, what are their interests in UK politics? For example, pensions are one interest, but there might be others. Thirdly, I wonder whether you have examples from your membership, your friends or your network of how people feel when they get, effectively, kicked off the register

—disenfranchised, in the proper sense of the word.

**Anne Wafer:** Can you ask the first question again?

**Chloe Smith:** Of course. Should British citizens overseas be treated as equally as possible with those in the UK?

**Anne Wafer:** Yes, I think so, although even as members we are not treated completely inclusively. Of course, we cannot stand candidates in Britain, but other than that, in our party we are equal to any other constituency Labour party that is in Britain. We send delegates to conference and everything else, so I think as citizens that should be the case as well, because we still have an interest in our country and the regulations still affect us. Many of us are getting pensions, and some of us will want to return at some stage. I thought of returning, but I couldn't afford it—it is too expensive there.

On policies, my members are interested in a huge range, not just ones that affect us directly. Climate change is a big one. That is a huge one for us. Reversing austerity—all the Tory cuts to all sorts of things; we want to reverse them. We have family members—for example, I have a sister who is disabled. My father is 97. I have nieces and nephews who are disabled. I have nieces and nephews with children and new babies. We are all concerned for everybody in Britain and that they have better lives.

As I say, climate change is a big one. One of our motions at conference will be on proportional representation, which a lot of our members think would be a good idea—changing the electoral system. Reform of the House of Lords is one we would be concerned with.

**Chloe Smith:** Those are great examples. Thank you so much—they are a bit broader than we might normally discuss. That is really helpful.

**Anne Wafer:** One would be the education system. We are very much against tuition fees for universities. We want to be rid of those. We are very concerned about what has happened to people during the pandemic, and we need the green new deal and regeneration of jobs, but those need to be green jobs because of the climate crisis.

**Q130 Chloe Smith:** Anne, we have just one minute left. May I ask you the third question to finish the set? In this area, without reform, people are essentially kicked off the register a day after they have been 15 years abroad. How does that feel?

**Anne Wafer:** Most people are not happy about it. Some people get citizenship when they get voting rights in their own countries, where they live, so maybe they are less upset in that case. We can vote in local elections in the countries we live, or we used to be able to. I have not checked whether I still can since Brexit. But yes, we are not very happy about being kicked off the register for sure. We would like that changed. We finished on hearings on that one.

We are also not happy about—

**The Chair:** Thank you, Anne. Unfortunately, we have come to the end of our time. May I thank all the witnesses for their evidence this morning and the Members for their questions? We are now going to move on to the next panel.

## Examination of Witness

*Maurice Mcleod gave evidence.*

12.16 pm

**Q131 The Chair:** We will now hear oral evidence from Maurice Mcleod, chief executive of Race on the Agenda. For this session, we have until 1 o'clock. Welcome, Maurice. Can you please introduce yourself for the purpose of the record?

**Maurice Mcleod:** Hi there. My name is Maurice Mcleod. I am the chief executive of Race on the Agenda, an anti-racism charity.

**The Chair:** Thank you. Minister, would like to come in first on this question?

**Q132 Chloe Smith:** Welcome, Maurice; it is good to have you with us this morning. Can you explain first of all whether you feel that the policy of having a free local voter card to accompany voter identification, so that is for the 2% of people we anticipate may not have the ID that is being asked for, will be a good thing and whether there may be any points that you suggest would need to be taken into account in its design?

**Maurice Mcleod:** Hello, thanks for having me. It is not a bad idea to make it free and allow local authorities to give out these passes. The problem is that it ignores what it feels like to be part of that group without any voter ID—part of that group that is reticent even to cast a vote.

Probably everyone in this room and everyone listening sees the value of voting and feels like it is an important part of their democratic rights and that they can affect things if they turn up and vote. When you are talking about people who often do not feel very connected, do not feel very engaged, do not feel very empowered within society, yes, you can say "This is only a small hurdle, you just need to apply to your council and they will give you a free voter ID," but that is just another hurdle that gets in the way, though. It is just one more step away from them feeling that they can engage with our democratic process. So I think it is a good thing. If we are going to have voter IDs—I would strongly argue that we do not—at least give people access to getting them for free, sure. I just think that does not solve the problem.

**Q133 Chloe Smith:** Okay, thanks for that initial view. In that case, would you join me in letting the message go out from this Bill Committee and witnesses that we all want to encourage as many people as possible to register to vote and to participate?

**Maurice Mcleod:** I absolutely agree with that. I would go further. I do not really understand why you are not automatically registered. I remember turning 18; you get your national insurance number because going out to work and paying your national insurance and your tax are important rites of passage. I do not know why we do not do the same with voting. You should not have to apply to register to vote; you should be automatically registered.

**Q134 Cat Smith:** Thank you Maurice for your time this morning. We have seen American civil rights groups campaigning quite strongly about the introduction in some US states of ID requirements to access the ballot.

They have found that, when it comes to providing ID, some groups are finding it harder to prove their identity than others. In this country it has been very difficult for me to find out what level of ID people hold based on their race; it is not data that is held by the DVLA with driving licenses, nor the Home Office with passports. Can you share with the Committee your understanding of what groups are less likely to have photo ID?

**Maurice Mcleod:** You are right that part of the problem is that this data is not always readily available. The data I have found—the Government's own data—says that while 76% of white people hold a form of relevant photo ID, such as a driver's license or a passport, when it comes to black people, about half do: 47% do not hold one of those forms of ID. There are 11 million people in Britain who hold no form of photo identification. That drastically discourages people from voting. You are adding an unnecessary extra burden on people who we want to turn out and vote.

**Q135 Cat Smith:** To break that down a little bit further, I have seen evidence that Gypsy, Roma and Traveller communities are also less likely to have ID. The free local voter card, proposed by this legislation, looks set to be delivered by local authorities. Do you have any insight into how people who are not resident in the same local authority for any length of time might have their access to those ID cards impacted?

**Maurice Mcleod:** You are very right to bring up the Gypsy, Roma and Traveller communities. Of all of the communities that make up Britain, they are already among the groups that are most likely to be disenfranchised. You do not need to be a genius to work out that if you are moving around, and your residence is not set in one place, it makes it very hard to know who to engage with, and what needs to be done to get the ID that allows you to vote. It cannot be assumed that everyone has good links with their local authority and understands where they need to go.

Looking at other communities, you have to acknowledge that the slightly hostile way that we have dealt with migration means that there is nervousness among some communities, even with people who are perfectly legal and allowed to be here. Sometimes there is a nervousness about engaging with the authorities on anything other than something that is considered essential. Sadly, for a lot of people, voting is not something that they consider essential.

**Q136 Cat Smith:** That final point links to my last question. You have alluded to a hostile environment, and a nervousness to engage with—what is seen as—an establishment. Do you think that the requirement to show voter ID will increase or decrease participation among black voters?

**Maurice Mcleod:** Without a doubt, I believe it will decrease participation. There is already a problem with getting people from minority communities to even register to vote. Now you have to register to vote, and you also need to find some form of voter ID to—as has been said—solve a problem that I am unsure anyone thinks exists. It is very hard to see the impact of this being anything other than voter suppression within those groups. There is certainly not any suggestion that this will increase voter turnout—I cannot see how you would even make that argument.

**Cat Smith:** Thank you so much for your time.

**Q137 Paul Bristow (Peterborough) (Con):** Maurice, it is nice to talk to you, and thank you for coming to the Committee. I note that you are a Labour councillor in Battersea and a self-confessed Corbynite, and that you previously described the Government as

“Diluting rights, denying racism, delegitimising protest, and diminishing voter turnout.”

You added:

“Anyone who doesn't see a concerted campaign at work here simply isn't looking.”

What is that concerted campaign?

**Maurice Mcleod:** We have had mention of what happened in America with voter suppression, the methods that some parts of the political machine have gone through and the fights to pull back the other way. I think that there is a concerted effort, first, to instil the idea that our voting system is not secure, that there is loads of fraud, that there are loads of people doing something dodgy and that people are cheating. As I have said, I do not really see much evidence of that. Our voting system is pretty trusted and robust. So first, there is this idea of bringing in a measure. When you bring in a measure in Parliament, people think, “Oh, there must be a reason that they're doing this; it's because there's loads of fraud.” It undermines faith and trust in our democracy.

Secondly, as I have said, these measures also put an extra barrier in the way of groups that some parts of the political establishment may think will not turn out for them or are not particularly strong supporters of them. What some people behind this may be thinking is, “If those people do not turn up and vote, is that such a bad deal?” When I said a concerted effort, that is what I mean.

**Q138 Paul Bristow:** Given your description of voter fraud as non-existent—you have just made that claim now—what do you make of the evidence that we have heard of voter fraud in Tower Hamlets, Birmingham and my constituency, Peterborough? Did that not exist?

**Maurice Mcleod:** If I said non-existent, that is not what I meant. I meant that it is very small. Yes, there have been issues in various places. To my mind, though, those issues would not be fixed by voter ID. The suggestion that there is a massive lack of faith in our electoral system just is not borne out in the polling. That is not the evidence of anyone that I have spoken to or any research that I have seen. People trust our electoral system, and that is a good thing. We should not do anything that undermines that.

**Q139 Paul Bristow:** You tweeted that the Government “wants to bring in Voter ID to tackle non-existent voter fraud.”

I suggest that you take a look at the evidence from Peter Golds, Lord Pickles and others yesterday; it may enlighten you.

In 2018, you argued that people should be able to vote online. You then dismissed one social media user's comment about fraud by saying,

“Sure, I understand the security risks but they are no greater than the risks of postal voting or even voting in person.”

What are those risks of postal voting or voting in person?

**Maurice Mcleod:** I see what you have done there. I was arguing, and I still argue, that we should move to online voting eventually. We should have ways of allowing more people to vote in more easy ways that fit in with their lives, so that they do not have to take time off work and go to a polling station, a post box or wherever. That is what I was arguing for. When I said that there are no more risks with that than with other types of voting, I meant that there are hardly any risks with those other types of voting, and therefore there are no risks with online voting.

**Paul Bristow:** But that is not quite what you said. You said:

“Sure, I understand the security risks”.

**The Chair:** Order. Online voting is not in the Bill. He was entitled to respond, but we are going a little bit wider than we should. Do you have a small supplementary?

**Q140 Paul Bristow:** Yes, absolutely. In 2019, you claimed that

“Voter ID will have a terrible impact on voter turnout.”

Why do you think that this impact has not been seen in any of the Cabinet Office trials, or indeed over many years in Northern Ireland?

**Maurice Mcleod:** That is valid. The Northern Ireland point is brought up a lot. I think I am right in saying—I could be wrong—that there is more of a tradition for carrying ID there than there is here. I could be wrong on that; I am not sure. I have not really looked into that too much.

**Paul Bristow:** No, I think you are wrong.

**Maurice Mcleod:** Am I wrong on that? Okay. It stands to reason that if you have a chunk of the population that does not have what you are being asked to have to turn up to vote, then you are going to lose voters among that demographic. I do not think that is really controversial. I am not sure how you would argue against that. You can argue that there is a bigger problem that needs to be fixed than I seem to think there is, but I do not see how you can argue that it is not going to dissuade people—it is not going to encourage more people to vote, is it?

**Paul Bristow:** Are you arguing that there are no—

**The Chair:** Order. I think we will move on. You have had quite a few questions. Patrick Grady is waiting to come in.

**Q141 Patrick Grady:** Thank you, Ms Rees. If we read the evidence from yesterday, we will see that Lord Pickles and Richard Mawrey described Tower Hamlets as extreme and isolated. Richard Mawrey said:

“Voter fraud played a very small part, funnily enough, in Tower Hamlets.”—[*Official Report, Elections Public Bill Committee*, 15 September 2021; c. 14, Q13.]

Thank you, Maurice; your contributions have been extremely helpful. You spoke a little bit about automatic voter registration. Could you say a little more about how you think that might work in practice and what impact it could have on turnout and participation,

particularly among minority communities? Could you also say something about access to postal voting among minority communities and what impact that has? Does that help or hinder turnout, participation and engagement?

In Scotland, we have recently extended the franchise for Scottish Parliament elections to pretty much everyone with settled status, including EU nationals and people with settled refugee status. Are there any lessons that might be learned from that, particularly in terms of the message it might send to counteract some of what you have described as the hostile environment and how it might make it clear that everyone is welcome and everyone ought to participate in the democratic system?

**Maurice Mcleod:** I will try—sorry; I was not writing those down, but I will try to remember the questions.

The first was about how automatic registration could happen—I think that is what you said. I am not a techie, so there is no way I will be able to describe what the functions would be to make sure that happens, but, as I said, the same process that issues a national insurance number or the same process that says, “You are now this age and a British citizen, or whatever, therefore you can work and pay taxes” should also say, “Therefore you can now vote” and some information should be sent out with that. It might say, “Congratulations, you are 18”—you can argue whether the voting age should be younger, but it should be like a rite of passage—“You are now an adult in our society. You now have this right to have a say in how we are run as a country.” That would send a really strong message, rather than having to apply.

One of my fears about the Bill is that the people who will be most impacted by it and who really will be excluded from having a say are probably the people who are less able and probably less keen to talk about it. It is not something they are bothered about; they do not vote, so they do not vote. They are not going to be marching on Parliament demanding a vote that they do not use anyway. You end up arguing on people’s behalf.

I cannot remember the second part of your question.

**Q142 Patrick Grady:** It was about how postal voting helps with participation and turnout in minority communities? Then I asked about expanding the franchise.

Picking up on what you said there, however, that relates to some of what was discussed yesterday. Is there something about civic education and awareness raising about the importance of participation in our democratic systems among minority communities that might also help to increase turnout and participation?

**Maurice Mcleod:** Absolutely. We should do loads more for all communities, not just minority communities. Learning how your country works, how you get involved in it and how you change things, if you feel that they need to be changed, should be among the most important things that we are taught as we grow up in this society. Instead, it is seen as a bit of a fringe subject or people say, “Oh, let’s not talk about politics because it might get too political and then we might be accused of being one way or the other.” Instead, we should have a real love for democracy. We should instil the idea that you, as an individual, have a say in the country that you run. That is really important and I do not think we do anywhere near enough of that, so we should consider anything that increases knowledge among the public about how you change things—what’s a councillor;

who's an MP; what's an Assembly Member; what do these things mean; who does what. Most of us do not know this stuff—most of us in this room might do—most people out there do not know this stuff. Anything that improves that would be great.

In terms of extending the mandate, I personally am of the opinion that anyone who is resident here should have a say in what goes on here. Anyone who lives and works in our society should have a say about what goes on here. I would extend that in ways that may be tricky to do, but I think prisoners should have a say—lots of people should have a say. In my opinion the mandate should be extended to all residents in this country.

You mentioned postal voting. I have not got any evidence of whether it has a particular impact on black and minority ethnic people, but I know that you have a longer window when you have a postal vote. We should give people the ability to go down and post their vote in the middle of night, or whenever they want to fit in with their lives; we all live these piecemeal, sometimes slightly precarious, lives and we have responsibilities. You cannot always say, "Right, I am going to go down on a Thursday and queue up if I need to, and vote" because you might need to be at work or drop off your kids. Just allowing people to vote by post is massively beneficial.

**The Chair:** I have Tom Randall, followed by Fleur Anderson, Kate Hollern and Jerome Mayhew. If there is time at the end, I will bring Paul Bristow back in.

**Paul Bristow:** Thank you.

**Q143 Tom Randall (Gedling) (Con):** Mr Mcleod, good afternoon. I would just like to clarify a couple of points. You said in your evidence earlier that you had seen stuff. You are here as the chief executive of a charity, Race on the Agenda. The charity has not commissioned any research into this matter at all?

**Maurice Mcleod:** No, it has not.

**Q144 Tom Randall:** So, there is no primary evidence about participation? You are just commenting on stuff that you have seen in the press or elsewhere?

**Maurice Mcleod:** Absolutely. I am not claiming that this is based on any specific research that ROTA—that is my organisation—has done. There is an amount of research out there, I guess.

**Q145 Tom Randall:** Sure. We heard some evidence yesterday about voter fraud and where it has occurred. We heard evidence from Tower Hamlets, as we discussed, and Slough and inner-city Birmingham, where voter fraud has occurred. Those places tend to have higher non-white populations than other places. Would you agree that the serious victims of voter fraud are ethnic minority people?

**Maurice Mcleod:** I would argue that it is all of us. If there is anything going wrong with our electoral system, we all suffer. We might end up with a Government who we do not want or a local authority that did not actually win the vote. We all suffer if there is voter fraud.

**Q146 Tom Randall:** To the extent that it does occur, if voter fraud affects an area, it is more likely to affect—as we heard yesterday, the biggest victims in Tower Hamlets

were the Bangladeshi population, who were disenfranchised because an election was stolen from them. If we agree that it is a problem, it is going to affect non-white populations in this country.

**Maurice Mcleod:** Yes, if we agree that it is a problem. I am afraid that I have not seen the evidence from Tower Hamlets, but I will take your word for it; I am sure you are right. Like I say, I am not sure whether it would have been solved by the measures that you are talking about bringing in, but if it is a problem, everyone suffers. I do not think just the residents or the voters in a particular area who might be disenfranchised suffer. We all suffer because our system does not work properly then.

**Q147 Tom Randall:** Sorry, you say you don't know, but perhaps examples from Tower Hamlets are more pertinent than examples from the United States.

**Maurice Mcleod:** Yes—sure, of course. Absolutely. But I would also like to know how prevalent this is. Is it a one-off situation in one place that needs to be dealt with in a particular way, or is it an endemic thing in our system? I am not really convinced that it is endemic in our system. I guess that is what I am saying.

**Q148 Tom Randall:** Finally from me, we talk about how it affects ethnic minority groups, but that is not one group of people. Do you accept that there is a lot of diversity within that? When you say that this might have a particular effect on minority groups, what does that mean in practice?

**Maurice Mcleod:** Do you mean the voter ID measures?

**Tom Randall:** Yes.

**Maurice Mcleod:** If there are particular groups—the Gypsy, Roma and Traveller community was mentioned earlier; those communities are particularly vulnerable to this—who, for one reason or another, are less likely to have the ID required, the impact will fall disproportionately on them. If a larger percentage of black Caribbean people do not have this ID, bringing in the measure will have a bigger impact on them.

**Q149 Tom Randall:** My understanding is that Cabinet Office data suggests the reverse of that. That is your supposition on this point, but you have commissioned no research to back that up?

**Maurice Mcleod:** No, I have not.

**Patrick Grady:** On a point of order, Ms Rees. Can I just confirm that witnesses have been invited to speak to this Committee on the basis of their experience and there is no requirement or expectation of any of the witnesses who appear today or who appeared yesterday to back up their evidence with primary source research evidence? We have not asked any other witness to detail the evidential base. We are entitled to ask questions and witnesses are entitled to respond on the basis of their experience. Can I confirm that, please?

**The Chair:** Thank you, Mr Grady. The witnesses have been invited to give evidence on the basis of their experience. They do not have to have any research as a back-up. We are very grateful that the witnesses have agreed to come along and give evidence.

**Chris Clarkson** (Heywood and Middleton) (Con): Further to that point of order, Ms Rees. Is it not the purpose of this Committee to scrutinise any evidence that is given to us, regardless of whether it is backed up by data?

**The Chair:** Yes, it is perfectly proper to ask any questions you want, but I was just clarifying that it is not necessary for the witness to be backed up by research.

**Chris Clarkson:** But it is appropriate for us to push back if we do not agree?

**The Chair:** Of course. You can ask scrutinising, relevant questions.

**Q150 Fleur Anderson** (Putney) (Lab): Good afternoon, Maurice. Thank you for coming to speak to the Committee. You said earlier that this does not solve the problem. Can you say anything about things that would solve the problem that you see of lower voting numbers among the black community? Just for the record, there was only one trial of the ID pilot scheme in the format that is in the Bill. That was in Woking, which has an 84% white population, so perhaps you could say that the Government also do not have the primary evidence that is needed.

But if the Bill does go ahead in this way and ID cards are expected, are there any other measures that could mitigate the potential for suppression? From your experience of working with the black community, what would need to be put in place that would make this less of a bad deal?

**Maurice Mcleod:** Thank you. As I was saying earlier, if we cannot move to a place where people are automatically registered and you get sent your photo ID that is relevant when you turn up and vote automatically, I would like to see a massive effort from all local authorities to actively seek out the people who do not have photo ID. Authorities must contact them and say, "Look, here's a form, here's how you apply for your free photo ID from the council." It is not enough just to say, "Oh well, if people want it, it's easy enough for them to go on this website or turn up at the town hall and ask for this stuff." Yes, it is easy for us because we want those things, we want our vote and we see the value in it. So much more needs to be done.

It is bigger than just getting people voter ID cards: it is making our democracy transparent and making it easy to engage with your local authority, MP or Assembly member. It is making all those paths much clearer and simpler to use than they currently are. If you know how the system works, who to put pressure on and how to impact your world, you have a much better existence. If you are not that of sort of person, politics just happens to you. It is not something that you actively engage in. We should be doing everything in our power to encourage and show people where their power is, what they can do and what they can change. If you have a society that feels it cannot make changes or be engaged in the way that it should, people switch off or get distracted into things that do not benefit society at all. That is a bit wider than the question you asked, but we need to be proactive in reaching out to these communities. We can find them. We can work out who does not have a driving licence. We can work out where these people are, so let us do that and ensure that they have everything they need to be able to express their democratic rights.

**Q151 Kate Hollern** (Blackburn) (Lab): Thank you for attending this session. It is interesting that you are the first black witness that we have had and you were invited along to talk about race. I apologise on behalf of the Committee for the way you were treated. The evidence we had yesterday from Peter Golds and Eric Pickles verified that election fraud does happen on very rare occasions. I would like to pick up your point about reaching out to communities and how we engage, encourage and assist people to get involved in the democratic process. Is there anything in the Bill that will enhance that communication and support?

I have just checked the allegation of fraud made by the hon. Member for Peterborough and, in those cases, it was found that no offences were committed. Does the message that electoral fraud has happened in black and ethnic minority communities act to disfranchise those communities, which we are trying to reach?

**Maurice Mcleod:** Sadly, I think it does, whether deliberately or not. I think we should always lean towards things having been done in good faith, but if you say things like, "There is very serious electoral fraud, and it happens in areas where there are lots of black and Asian people," it is not a massive leap in people's minds to, "Okay; so black and Asian people are somehow doing electoral fraud. That is what we're clamping down on. We're stopping people doing something dodgy to our process." That is exactly the sort of alienating message that ends up with people saying, "I'm not interested in any of that stuff. All that politics stuff has nothing to do with me." Those sorts of narratives do play into that, I am afraid. I have forgotten the beginning part of your question, but I worry about the narrative of, "We need to solve this massive fraud problem that is happening in minority ethnic areas." I will not say it is a dog whistle, but I think it has an impact on minority communities, certainly.

**Paul Bristow:** On a point of order, Ms Rees.

**The Chair:** I do not really want to go down the road of more points of order. The Committee is becoming quite agitated. If there is anything you would like to raise, perhaps it could be raised after the witnesses have left. Would the Committee be content with that? We are against the clock, and more Members would like to come in.

**Paul Bristow:** I am perfectly happy to raise my point afterwards, but it is worth noting that it has been implied that my hon. Friend the Member for Gedling and I were unreasonable in our questioning, and that it may be because the witness comes from an ethnic minority. It is perfectly legitimate to place on record that that is not the case. Our questions were perfectly in order. I find it insulting that the hon. Member for Blackburn would even suggest such a thing.

**The Chair:** Can we leave it there, please? Your comments are on the record now. We need to move on and take more questions, but your point is noted.

**Q152 Kate Hollern:** A final question from me. Ladies wearing face coverings turning up to polling stations will require there to be a lot more female staff in polling stations. How can that be managed, and how can we reassure communities that polling stations will have the facilities and staff required?

**Maurice Mcleod:** That is very hard. You make a really good point. It is all very well saying that photo ID should be used, but if you are not supposed to reveal your face to a man who is not in your immediate family, that is really hard. Even if councils say, “We’ll make sure there are women, or people who know what should happen, at the polling station,” there is still that worry in your head, if you are that woman who is not that confident about whatever, and you need to go out and vote. There is still that concern—“Will I be treated properly? Do they know what my faith needs?”

If that is the route we go down, I would want to see a real effort, through mosques and any other faith groups that would be impacted, to bring those communities on board and show them, “This is how it will be. It will be completely safe. We totally get what you need to do to be observant.” It is another worry—one that I have not brought up so far. Not everyone can use their face as ID as freely as the rest of us.

**Q153 Kate Hollern:** Thank you very much. Is the voter ID scheme as set out in the Bill compatible with the right to vote under the European convention on human rights, particularly when read with the anti-discrimination provision in article 14 in mind?

**Maurice Mcleod:** Sorry, I am not sure. Can you say that again?

**Q154 Kate Hollern:** There is some suggestion that the Bill could contradict the Human Rights Act. Do you have any experience or knowledge of that?

**Maurice Mcleod:** I do not, I am afraid. I am not from a constitutional background or a legal background, so that is not something I could comment on.

**Kate Hollern:** Very finally, how do you—

**The Chair:** We have to move on. I promised Jerome Mayhew that he could come in, so if we have time at the end, I will bring you and Paul Bristow back in, Ms Hollern. We are against the clock. Mr Mayhew?

**Q155 Jerome Mayhew (Broadland) (Con):** Thank you very much, Ms Rees. Maurice, thank you very much for taking part in this evidence session. In your primary evidence, you suggested that you were very concerned about the voter participation of BAME groups if photo ID were required. The rationale that you gave—I took a note at the time—was that between 47% and 50% of BAME potential voters had photo ID. Is that correct? Is that your view?

**Maurice Mcleod:** Sorry, can you say that stat again? I may have got the stat jumbled at the time. Can you repeat that?

**Jerome Mayhew:** In your evidence earlier on today, you suggested that when you started to look at BAME voters, the incidence of availability of photo ID dropped to 47% to 50%. Is that your view?

**Maurice Mcleod:** Yes. I believe it is 48% of black people.

**Q156 Jerome Mayhew:** So roughly that. I am not holding you to a particular percentage, but roughly 50%. That is the basis of your concern, or one of the bases of your concern, about the fear of reduced voter participation in black and ethnic minority communities. Is that right?

**Maurice Mcleod:** It is part of it. It is one of the things that gives me concern that this will have a particular impact on those communities, yes.

**Q157 Jerome Mayhew:** We have a slight advantage. I am not going to try to trip you up on this; I am just going to read out some data that we have the advantage of having. In March of this year, the Cabinet Office undertook some independent research, done by the independent research company IFF, in which they telephone interviewed 8,500 people from right across the country to establish the facts—the real data—behind that assertion. Their conclusion was that among the general population, 98% of the population had relevant photo ID, and in the BAME communities, that figure was 99%. Given that very significant difference between your concern that it was less than 50% and the reality that it is 99%, would you accept that your concerns are based on a false premise and that you are, to that extent at least, reassured?

**Maurice Mcleod:** If it turned out that 99% or whatever you just said of BAME people do have relevant ID, that is quite reassuring indeed. There was lots of talk about this in the Commission on Race and Ethnic Disparities’ report; I would be interested in seeing a proper breakdown, because it is all very well saying, “Minority ethnic people have IDs”, but if that ignores Gypsy, Roma and Traveller people in particular, or particular groups who have much lower numbers of take-up, that would still be a concern. In fact, it would mean that those groups are even more marginalised, because they are a special case: their lack of the required ID is not being flagged up.

**Q158 Jerome Mayhew:** I quite understand. We have already heard that “BAME” includes a large number of sub-groups, but under the methodology of that independent research, one of the key areas was

“What percentage of the eligible population do not hold at least one form of photo ID currently under consideration for the voter ID requirement?”

and

“What is the level of ownership of the required photographic ID in groups with protected characteristics? specifically with reference to:

Race or ethnicity  
Disability; and  
Age.”

This was a very thorough and independent piece of research, and if that is the case—you can look at it on the gov.uk website, so it is publicly available—that would, as you say, provide you with a degree of reassurance.

**Maurice Mcleod:** I would feel slightly better. If everyone had a relevant form of photo ID, I would feel slightly better about this. It is like saying you need to bring your front door keys when you come along and vote. Most people have a front door key; it would still stop some people from voting.

**Jerome Mayhew:** I agree, and you made some very good points. Thank you very much.

**The Chair:** Order. I am afraid that brings us to the end of the time allotted to the Committee to ask questions, and indeed for this morning’s session. On behalf of the Committee, I thank our witness for his evidence. The Committee will meet again here at 2 pm this afternoon to continue taking oral evidence. I invite the Government Whip to move the adjournment.

*Ordered,* That further consideration be now adjourned.—(David Rutley.)

1 pm

*Adjourned till this day at Two o’clock.*



# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## ELECTIONS BILL

*Fourth Sitting*

*Thursday 16 September 2021*

*(Afternoon)*

---

### CONTENTS

Examination of witnesses.

Adjourned till Wednesday 22 September at twenty-five minutes past Nine o'clock.

Written evidence reported to the House.

---

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

**not later than**

**Monday 20 September 2021**

© Parliamentary Copyright House of Commons 2021

*This publication may be reproduced under the terms of the Open Parliament licence, which is published at [www.parliament.uk/site-information/copyright/](http://www.parliament.uk/site-information/copyright/).*

**The Committee consisted of the following Members:**

*Chairs:* †CHRISTINA REES, SIR EDWARD LEIGH

† Anderson, Fleur ( <i>Putney</i> ) (Lab)	† Randall, Tom ( <i>Gedling</i> ) (Con)
Bell, Aaron ( <i>Newcastle-under-Lyme</i> ) (Con)	† Rutley, David ( <i>Lord Commissioner of Her Majesty's Treasury</i> )
† Bristow, Paul ( <i>Peterborough</i> ) (Con)	† Shelbrooke, Alec ( <i>Elmet and Rothwell</i> ) (Con)
† Clarkson, Chris ( <i>Heywood and Middleton</i> ) (Con)	† Smith, Cat ( <i>Lancaster and Fleetwood</i> ) (Lab)
Furniss, Gill ( <i>Sheffield, Brightside and Hillsborough</i> ) (Lab)	† Smith, Chloe ( <i>Minister for the Constitution and Devolution</i> )
Gibson, Peter ( <i>Darlington</i> ) (Con)	Smith, Nick ( <i>Blaenau Gwent</i> ) (Lab)
† Grady, Patrick ( <i>Glasgow North</i> ) (SNP)	Adam Mellows-Facer, Chris Stanton, <i>Committee Clerks</i>
† Hollern, Kate ( <i>Blackburn</i> ) (Lab)	
† Hunt, Jane ( <i>Loughborough</i> ) (Con)	
† Mayhew, Jerome ( <i>Broadland</i> ) (Con)	
† O'Hara, Brendan ( <i>Argyll and Bute</i> ) (SNP)	† <b>attended the Committee</b>

Witnesses

Gavin Millar QC, Matrix Chambers

Fazilet Hadi, Head of Policy, Disability Rights UK

Dr Alan Renwick, Deputy Director, Constitution Unit, University College London

## Public Bill Committee

Thursday 16 September 2021

(Afternoon)

[CHRISTINA REES *in the Chair*]

### Elections Bill

#### Examination of Witness

*Gavin Millar QC gave evidence.*

2 pm

**Q159 The Chair:** We are now sitting in public and the proceedings are being broadcast. I remind Members about the public health guidance and that electronic devices should be switched to silent.

We will now hear oral evidence from Gavin Millar QC of Matrix Chambers. Thank you very much for joining us. Before we begin, I remind Members that questions should be limited to matters within the scope of the Bill and that we must stick to the timings in the programme order that the Committee has agreed. For this session, we have until 2.45 pm. Would the witness please introduce himself for the record?

**Gavin Millar:** I am Gavin Millar. I am a QC at Matrix Chambers. I specialise in election law and have done for 35 years.

**The Chair:** Thank you. Minister, would you like to open the questioning?

**The Minister for the Constitution and Devolution (Chloe Smith):** I think it is Cat Smith's turn to go first.

**The Chair:** It looks like an empty chair.

**Chloe Smith:** Indeed.

**The Chair:** Shall I bring in other members of the Committee? Patrick Grady, would you like to ask a question? [*Interruption.*] Oh, hang on.

**Q160 Cat Smith (Lancaster and Fleetwood) (Lab):** I apologise to our witness. I am afraid I had some lift troubles, trying to get down to the first floor. I thank you for your time before the Committee. Will you outline anything that you feel could have been included in the legislation, or that could be amended, to strengthen the integrity of the ballot?

**Gavin Millar:** I am sorry—I am having trouble hearing.

**Cat Smith:** I will try repeating my question. Is there anything that you feel is missing from the legislation that would strengthen elections, or anything that is amendable that needs to be tightened up?

**Gavin Millar:** As the Committee probably knows, there is a widely held view that what we have at the moment is a complicated mass of disparate election law provisions in statutes that have been enacted over many years, often containing historical provisions that have just stayed in them down the decades. The mass of that legislative material is difficult and confusing for election administrators—lawyers, judges, candidates and agents.

Accordingly, there is a widely held view that the way to tackle election law now would be to sweep that current body of law aside and modernise it, applying appropriate consolidating provisions in the existing law, into a single, simpler set of statutory rules. The Law Commission said this a few years ago, I have said it and others have said it often. It is disappointing that, in approaching the legislation, the Government have chosen to introduce another rather ad hoc set of disparate provisions that are unrelated, rather than the whole amazing, simplifying rewrite that is required. I suppose that is the first point, in terms of where we are. There is a case—[*Inaudible*—]to tackle the urgent problems in the electoral system, but with the exception of part 6 of the Bill, which deals with information to be included with electronic material, nothing that it tackles could conceivably be regarded as an urgent problem of the sort that ought to take priority.

The Bill ignores the other most urgent problem in our system, which is the lack of an effective regulatory and enforcement regime to ensure that foreign money and dark money do not enter our political system through donations to political parties. I would say that that is now an election law issue, because in reality there is non-stop campaigning by political parties between the short and long election campaigns, which can be funded by large and inadequately regulated donations. There is the risk not only of money coming into the system that should not be there, but of the level playing field that we have always striven to achieve in our election law during the narrower periods of elections being lost in the intervening periods. It is disappointing that nothing in the legislation addresses those problems.

**Q161 Cat Smith:** Thank you. I have one follow-up question. The legislation impacts on third-party campaigners, and you have already said that the regulations for elections run across many different pieces of legislation. We do not have that single set of rules for participation. Do you think that the changes to third-party campaigners strike the right balance between engaging third-party campaigners in the democratic process and transparency in terms of the source of political money?

**Gavin Millar:** There is no doubt that once you have got into the process of regulating non-party expenditure in elections, some very difficult questions arise. Traditionally, those difficult questions have arisen in our system in relation to non-candidate expenditure in constituencies or local government wards—whatever it is—during the election campaign. Local campaigners, non-governmental organisations and so on and so forth can spend some money to campaign, but it is heavily capped. Of course, we are now into the territory where national campaigning is capped and regulated, and the current laws in relation to that are incredibly complicated, very difficult to follow and understand, and very difficult to apply, even for the courts.

I suppose the broad considerations are that we should, in a democracy, encourage and facilitate non-party campaigning of either form, but including national campaigns, to the extent that we can, if it does not unbalance the level playing field across the piece, because that contributes to the democratic process. There are a great many NGOs, charities and third-party campaigners that are not directly party political or campaigning on a range of issues, but may be campaigning on just one issue. It enhances our democracy to enable them to

participate, which is going to cost money—they will have to spend money on that—provided that it does not cross the line of unbalancing a level playing field. It is a difficult balance to strike.

One of the features of the legislation that is very difficult is clause 25. It tackles third-party campaigning where it crosses a particular line, which is what is known in the legislation as a joint campaigning arrangement, where the third party or third parties can be shown, as a matter of fact, to have a plan or an arrangement to campaign together. That is an incredibly difficult concept. There have been a couple of cases where the courts have struggled with this, and I do not find the drafting in the Bill very easy, particularly clause 25.

It will be very difficult for campaigners, who might be caught by a suggestion that that is what they are doing, to know whether they are on the right or the wrong side of the line. If they are deemed to be on the wrong side of the line, and a court or a commission says that there is planned co-ordinated expenditure involving more than one non-party campaigner and a political party, that will dramatically reduce the amount that they will be able to spend. They will have to go through the whole process of declaring all the participants in that arrangement, and their available spend will be reduced accordingly. It may be that there are cases where it is justified in having that end result, but you should not have unclear law that leaves people in doubt as to what they can and cannot do and what is and is not a joint campaigning arrangement.

At the moment, that is very unclear in our law and has not been properly resolved by the courts. I would not suggest rushing into the provisions of clause 25. If that part of the Bill is going to go through Parliament, there should be very careful scrutiny of exactly what it is intended to catch and what it is not intended to catch, and of what the consequences are for third-party campaigners who engage in that sort of joint campaigning with a political party. I am just not sure that that is there at the moment. That is the problem. Therefore it will tend to risk encouraging that active participation that I said was so important in a democracy.

**Q162 Cat Smith:** Under clause 25, the Minister would also have the power to add or remove categories of campaigners from being permitted to campaign in elections. Do you have some concern about that?

**Gavin Millar:** Yes, I am concerned that this part of a strand in our law that is developing, which gives powers to Government and to the Executive to fill in gaps in legislation and take legally binding decisions outwith the legislation. It is very undesirable. It means that nobody knows in advance what the law is going to achieve and how it will work. It reduces parliamentary scrutiny.

Everything that is going to be there that will affect non-party campaigning should be in the primary legislation. It should be simple, clear and easy to understand, and it should be justified in terms of what it is trying to achieve in preventing the skewing of the level playing field. It should be absolutely clear what the consequences are for third-party campaigners, many of whom I advise at election time and in between elections. They are very confused by this. They find it very difficult to know what they can and cannot do, what crosses a particular line and what does not cross it, and what their maxima

are for spending. You do not need to be a lawyer to realise that that is undesirable in a democracy, with an activity of such importance.

**The Chair:** Minister?

**Chloe Smith:** I have no further questions but I am very grateful to Mr Millar for giving his time.

**The Chair:** Thank you. Jerome Mayhew.

**Q163 Jerome Mayhew (Broadland) (Con):** May I ask a question of clarification on the evidence that we have just heard? First, thank you very much for coming to give evidence, Mr Millar. It is a great pleasure to have someone of your expertise and experience assisting the Committee.

You expressed a concern a moment ago that the Minister, under clause 25, would have the ability to add to the list of categories. There is a rationale for that, which I hope we can agree on: as the sector develops, there will potentially be a need for the legislation to respond to growth in the sector, and it would be beneficial were the legislation able to satisfy that need. In those circumstances, is it not reasonable for the legislation to allow for an affirmative procedure in both Houses to give Parliament's consent to the decision of the Minister? I am really challenging the rather bold assertion that it is the Minister who decides. It is not, is it? It is Parliament that will decide, and not just by the negative procedure; it is by the affirmative procedure in both Houses. Is that correct?

**Gavin Millar:** I concede that point. There is a form of parliamentary procedure that will enable scrutiny of how the power is being exercised. Members of the Committee and parliamentarians will know better than I do as a lawyer how effective that is likely to be. The main thing is to avoid unconstrained powers. The premise of your question was that there would be a legitimate concern that needed to be addressed through subordinate legislation and the Minister's decision. That is fine, but the question is what sort of things we are talking about, and in what circumstances such a power will be exercised. I get very anxious about provisions—perhaps I am too old, or too old-fashioned, because they are a rather more contemporary thing—that are in very broad terms. When the primary legislation is enacted, it is difficult to anticipate for what purposes they will be used and what would be regarded as a justifiable change in the law, but I take the point that if it is the affirmative procedure there is parliamentary scrutiny.

**Jerome Mayhew:** I am very grateful. That is the only thing I wanted to clarify.

**Q164 Patrick Grady (Glasgow North) (SNP):** On the provision for the Minister to set a statement for the Electoral Commission, the Government argue, I think, that it is not uncommon for the Government to set a policy framework approved by Parliament for independent regulators. However, I wonder whether you agree that the Electoral Commission is strictly comparable to Ofgem, Ofsted or some other independent regulators, given that it regulates the candidates and the people who are elected to make these laws in the first place. Do you have any reflections on that?

Could you also say a little more on the value or otherwise of a more comprehensive effort to consolidate electoral law? We have a lot of Representation of the People Acts. This is not a representation of the people Bill; it has been called the Elections Bill. I do not know whether there is any legislative or theological difference between the titling of these different Bills and Acts, or the things that they have done over the years. Where do you see the merit in perhaps a stronger effort to consolidate the different pieces of legislation that govern the electoral framework?

**Gavin Millar:** In relation to the Electoral Commission, we need to start at the beginning, as it were. The Political Parties, Elections and Referendums Act 2000, known in the trade as PPERA, created the Electoral Commission for the first time—it was the first time we had had one in this country—but [*Inaudible*] an Electoral Commission that does not actually have a role in administering, overseeing and running elections in real time, and that does not have powers to investigate conduct and outcomes, and still less overturn those outcomes. It is important to understand that other countries have equivalent entities with much stronger roles in each of those areas. We are starting from a pretty low base in terms of what the Electoral Commission has been created to do.

As far as I can see, there is no case here for any of the three main changes proposed in the legislation in relation to the Electoral Commission. First, there is the strategy and policy statement, which, as I understand it, is going to tell the regulator what it should and should not be doing. Secondly, the Electoral Commission's willingness to do what it is told, and its success or otherwise in doing what it is told, will be overseen—one might cynically say “marked”—by the Speaker's Committee. Thirdly, clause 15 takes away from the Electoral Commission the power to prosecute. I can see no case or justification for any of those measures.

An Electoral Commission should be independent of Government; it should be free from Government influence as a matter of principle, because of its role in a democracy. It should be rather akin to the police or the Crown Prosecution Service in that respect. Its decision making, and indeed its powers to investigate and act, should be framed and guided solely by the public interest and the merits of the evidence before it. Does this need to be investigated? To what extent does it need to be investigated? What has gone wrong? What needs to be done? It should be answerable to Parliament as a whole rather than to a single Committee or a small group of politicians. That seems to me a key and obvious point of principle.

My own view is that the Electoral Commission should have more powers and resources—hopefully under the codified and modernised statutory regime that I have suggested—rather than less, which is what seems to be the aim at the moment, particularly in relation to the removal of the power to prosecute. Why? Well, because it is the only player in the game. It is the only possible resource for dealing with breaches of election law, in its limited area, other than through criminal prosecution and civil litigation.

As far as the former is concerned, the police and prosecutors frankly do not have the resources or expertise to tackle offending under the RPA or PPERA, and I am absolutely certain that much goes uninvestigated and unprosecuted at the moment. That is extremely undesirable

in our system. Civil litigation—by candidates, judicial review, election petitions and so on—is costly, cumbersome, time-consuming and very difficult to undertake. All those factors indicate that we need an empowered and funded Electoral Commission to tackle problems as they come up. They are experts and specialists; that is why they are there and should be there.

On the second point you asked about—I will try not to become boring, because I could wax lyrical about this for hours—as you probably know, essentially we have two strands to our election law. We have the Representation of the People Act 1983, which is the primary statute regulating three things: the exercise of the franchise, the conduct of elections and challenges to elections after the event. There are various problems with it, but the main one is that it is the most recent of a long succession of Acts with the same name in the 20th century, and indeed there were earlier equivalents going back into the 19th century. They have often been a political compromise in Parliament, simply enacted by way of consolidation with only minor amendments. What we have ended up with is really an awful lot of 19th-century provisions that have hardly changed in their wording.

On top of that, in that strand of the law—the actual regulation of the administration of elections—there have been many, many more pieces of primary and secondary legislation relating to those three areas of our law since 1983. They either come in statutory instruments or they go into amendments to the RPA, so you get these long lists of amended sections with ZA numbers after the primary number, and it becomes wholly unwieldy and unmanageable.

The Law Commission's report, where it recommended this, alluded to a problem that surfaced in the 2010 general election. I am sure you all remember that there were queues at polling stations and people were unable to get in and vote when they closed at 10 pm. That is an unresolved issue in our election law. The Law Commission make the point that when Parliament had to correct that to make sure people queuing at that point could get in, 10 different pieces of legislation had to be amended to achieve that one single result. That is how bad it is.

In addition, the second strand is the PPERA strand, which came into play in 2000 with completely new and different areas of election law. In particular, as we know, it included the regulation of national campaign expenditure by political parties and third-party campaigners, as well as permissible donations. Again, accretions and additions to that legislation over the years have made it incredibly complicated.

So what is election law? Well, it is ill-defined, but essentially it is everything surrounding those two huge pieces of legislation and the case law they have thrown up. One of the advantages of consolidation would be to be clear about what needs to be regulated in elections. As I have said, it seems to me that the whole issue of campaigning between long and short campaign periods is now election law. That is just the reality of it in the modern world, just as we have accepted that what goes on on the internet is election law, which we never did before. Modernising and consolidating would give us a much broader definition of election law.

As you point out, in this Bill we have bits relating to each. We have bits relating to PPERA and bits relating to the RPA regime, and it is now simply called the Elections Bill, which is a sort of combination of two

strands of our law, and it is a bit of a rag-bag really. I am not saying that some of the things are not desirable—clearly they are—but they are not urgent and they should not be given priority over this much more fundamental issue that needs to be resolved, which is a consolidated and complete electoral code.

**Patrick Grady:** Thank you. That is really helpful.

**Q165 Fleur Anderson (Putney) (Lab):** Thank you, Mr Millar. It is a pleasure to see you this afternoon, and thank you for your evidence. Can I just ask about the relationship between this Bill and the European convention on human rights, particular the right to vote, obviously? Concerns have been expressed, for example by the Gypsy, Roma and Traveller community, among others, that the Bill will reduce the ability to vote and will therefore contravene article 3 of the first protocol, which states that conditions imposed by the state must not curtail the rights in question in any way. Do you think that the voter ID scheme set out in the Bill is compatible with the European convention on human rights? Does it risk not being compatible? You have said that the law is unclear in some ways—is it unclear? If someone went to a polling station on election day without voter ID and was unable to get it, because the council was swamped by other such requests, and so they could not vote, could they then return to the European convention on human rights and say that their right to vote had been curtailed? Is that possible under the Bill? If there should be changes, what changes would you make?

**Gavin Millar:** This strand of convention law—by which I mean, whether a piece of domestic legislation is incompatible with the provisions of the convention—does not work on an individual case-by-case basis. It works on the basis that if you have to look at compatibility in a court case, it is at the impact of the domestic rule of law—here, the voter ID provision—across the piece and the whole of the electoral system in the contracting party.

Is the impact of that legislative provision one that can be justified as being compatible with the convention? The convention—Strasbourg—has its own internal set of rules for saying what is and is not compatible. Very few rights are absolute, which is why you can have laws that prevent certain people—criminals and so on—from voting for a period, but to be compatible with the convention they have to be justifiable, in the sense of achieving a legitimate aim, one that is legitimate in that country for that political system and that voting system. It has to be a proportionate means of achieving that aim.

The question here—I accept that it would be assessed by the impact on individual groups of people, such as the Roma, whom you mentioned, but it would be much broader than that—is, if you try to justify what the Government are proposing to do across the electoral system as a whole, can it be justified as meeting a legitimate aim? Is there a problem that is so bad that it needs addressing in this system in this way? Is this a crude or a proportionate way of addressing it? The problem I have with clause 1 is that I cannot see the problem and, even if there is a problem, I cannot see that this is a targeted and proportionate way of addressing it, because it would just sweep out of the franchise somebody who did not happen to have a card or voter ID but was properly on the electoral register and entitled to vote when they turned up.

Why do I say that there is not a problem? You are all politicians, you have been elected and you know how this works, but you may not have looked at this from the point of view of an election lawyer, a criminal lawyer or someone looking at election fraud, which for my sins I have spent a lot of time doing for the past 20 years. The sort of fraud we are talking about here is called “personation” under the RPA. It is an electoral offence—it is impersonation, but misses off the “im” in the statutory historical categorisation. Personation is A turning up at the polling station pretending to be B, who is validly on the register.

It is not a problem of any great consequence in our system, and I speak from experience. Personation cases are almost non-existent. There are reasons why it is not a problem. First of all, it is extremely risky for anyone to try that. You are liable to be caught because somebody spots you and knows you are not that person. It is also ineffective because there is the alternative possibility that that person turns up and votes later, or indeed has already voted and is marked off the register when you try to impersonate them. If you are going to do it, you have to be absolutely certain that the person is dead or is not going to come and vote, and that you will not be found out that way. It is also hugely inefficient compared with other forms of fraud that have been perpetrated, particularly since postal voting on demand. You have to get a range of people, or yourself, to go around different polling stations at different times in the day, and all you get out of each criminal offence you commit is one vote. It is just not efficient or effective as a fraud, so it does not happen.

As I understand it, this came from the 2014 Tower Hamlets mayoral election. There were a whole range of election offences pleaded in that case and looked at by the court. One of them involved some personation at polling stations, but it was not the core problem. If that were the reason we had got to this point, this would be an example of a hard case making very bad law, and I would counsel against that. The fraud that exists in our system, or has existed since 2000, that everybody has read about and knows about, is a very different type of election fraud. One possibility is what is called roll-stuffing in Australia, where you put additional voters on the register who are not entitled to vote in a concerted fraud before the election, and then vote in their name. You normally apply for a postal vote for those non-existent voters at a particular address, and you pick up the postal vote papers and you vote.

There are various other postal vote frauds that were recounted in the cases that have been cited. That form of fraud has been made much more difficult by Parliament and by the administrators because of the cases over the past 20 years, and there are less cases even of that form of fraud, but it is not a form of fraud that would be addressed by this piece of legislation, so what is the problem? What is it achieving? Why is this a proportionate way of addressing it? I have no answers to any of those questions, and of course in a situation where, by common estimates, we have something like 17% of eligible voters not on the register, one wonders why our efforts are not being concentrated on voter registration measures—getting more people on to the register and facilitating them in voting—rather than making it more difficult for them to do it by imposing this requirement, which we have never had.

I appreciate that advocates of the Bill will say, “It is not a lot to do, to get a piece of photo ID or have a piece of photo ID and bring it along to the polling station,” but we need only look at the Windrush scandal to see how many poor people and ordinary people in our society have difficulties with that sort of thing, not to mention disabled people and other discriminated-against groups who do not want to engage with obtaining this sort of identification, for fear that it will open them up to other scrutiny and investigation of an unjustifiable kind. It is wrong on every count, really.

To answer the question, yes, there will inevitably be challenges to this as incompatible with the European convention on human rights if it is introduced, and it seems to me that there is a strong case for doing that. The impact would be considerable, by all accounts—although somewhat unquantifiable—but I just have not seen the evidence that you would be required to produce at a judicial review or at a case in Strasbourg to justify this as an appropriate state interference with the right to vote.

**Fleur Anderson:** That is very concerning. Thank you.

**The Chair:** If there are no further questions from Members, I thank our witness for his evidence.

#### Examination of Witness

*Fazilet Hadi gave evidence.*

2.40 pm

**Q166 The Chair:** Thank you very much for joining us this afternoon, Ms Hadi. Would you please introduce yourself for the record?

**Fazilet Hadi:** I am Fazilet Hadi, head of policy at Disability Rights UK. Just so you know, I am blind, although it should not affect anything today.

**The Chair:** We have until 3.30 pm for this panel. Minister, would you like to start with the first question?

**Q167 Chloe Smith:** Thank you so much for joining us today, Ms Hadi; it is great to have you with us. An important element of the Bill deals with accessibility, which is obviously an area of expertise for your organisation. The Bill introduces a new statutory duty on returning officers to support all voters with disabilities—the widest possible range—and that duty is to be supported by guidance from the Electoral Commission. What would you like to see reflected in that guidance, and what are your biggest concerns about the current process of voting for people with disabilities.

**Fazilet Hadi:** I will briefly give a bit of context before answering that question. Some 14 million people in the UK are disabled, or one in five of the population, so we are a very big group and very diverse. About 45% of older people and 19% of working-age adults have a disability. As you and colleagues will know, that can range from sensory impairment to learning disability, mental health and mobility issues, so we face a wide set of challenges.

There are some real challenges in voting, so it would be good to see rigorous standards applied and enforced by Government, because voting should not be a postcode lottery; it should be equal wherever we are in the country. A couple of issues in the Bill concern me,

particularly photo identification and the provisions on equipment, which seem to be turning the clock back a little, particularly for blind and partially sighted voters.

Coming back to your question on standards, the standards start even before the electoral officers—for example, in the way that local authorities produce information on elections and whether reasonable adjustments need to be considered for electors who have disabilities. Even for those first letters, people should already be thinking, “Can this person read the letter? Do they need an easy-read, audio or electronic version?” I think it starts very early, and it then moves through all the stages of postal voting, through to the actual physical buildings in which elections are held, the devices we are given to enable us to vote independently, the height of the desks where we cast our vote and wheelchair accessibility. It is almost like walking through the customer journey from beginning to end, ensuring that reasonable adjustments are made at every point, because I am sure the Government want to ensure that those 14 million people have a voice in the same way as everyone else.

**Q168 Chloe Smith:** Absolutely right, Ms Hadi. I am really grateful to you for laying that out, because I could not agree more about the need for that thinking at every stage of registration and onwards through to voting. Indeed, for what it is worth, I am sure that also applies to many other services from local authorities, so I hope there is good working across councils that can be shared.

As you rightly say, we all want to see disabled voters, or voters with any condition or extra accessibility need, able to take part fully. What do you think ought to be focused on in communicating the changes encapsulated in this Bill? How could that be done with your members, for example, or others?

**Fazilet Hadi:** The provisions on photo ID will need a lot of communication, but they should not be communicated in isolation. Going back to what I said before, if we take something out of context, it presupposes that the electorate get everything else and know all the other things that are in place, and disabled people may not know about the other adjustments that are available. On photo ID, that does pose particular issues, and when there were trials, my recollection from colleagues at Mencap is that it took quite a lot of education, face to face, as well as written information, to communicate to people with learning disabilities what the change meant.

There will be an education imperative for the whole public, of course, but for particular groups of disabled people, some of us maybe do not access information so easily—British Sign Language users, people who access through audio or braille, people who need easy read, and people whose literacy skills are low. There is quite a communication challenge in actually getting across that photo ID is required, and that has to start well in advance of it being required.

**Q169 Chloe Smith:** I agree, and the plans published alongside the Bill put money and time towards doing that, which we would all agree is the right thing to do.

May I draw on your experience of voting as a blind person—as a person with a visual impairment? I would guess that you have used the tactile voting device. Could you describe to the Committee what it has been like using that device? What are its drawbacks and advantages?



**Fazilet Hadi:** I have not actually used it. I have voted through the post, and I have voted with the assistance of the electoral staff—

**Chloe Smith:** I apologise for making an assumption.

**Fazilet Hadi:** Not at all. I should have tried the template. My understanding is that it does not allow completely independent voting. If people can imagine, it is like laying a template over a piece of paper. You would probably have to memorise what was on the paper, which could be tricky. I suppose you would not have complete confidence, because you cannot check back. I think it was a device of its time. As I understand it, a judicial review said that it did not allow a completely secret ballot.

What the device should be is not a straightforward issue, but I worry about the provision in the Bill taking away the wording of the Representation of the People Act 1983, which says that the device should be prescribed by the Government. Whatever the device is, and whatever its limitations—hopefully we can improve on the current device—it should be available without question and without any decision making being needed from local electoral staff. It should just be made available because the Government says that it should be. Under the Bill as it is framed at the moment, there is a danger with that kind of wording being removed and a much looser wording about reasonableness being inserted instead.

**Q170 Chloe Smith:** When in your experience a thing goes out of date or could be superseded by innovation and new ideas, how do you think that could be accommodated in law? Having listened to your words, I think we have got a really good example here of one of the core issues; as you say, the device was of its time some decades ago now, but it is prescribed in law. We have a problem of it being out of date, yet prescribed. How do you think innovation, which you may have used elsewhere in your life—maybe you can share your insight—can be provided for in law?

**Fazilet Hadi:** In this particular instance, I am not sure whether the Act envisaged a tactile template, but I think the wording means that the Government can prescribe “it” and update what the “it” is in guidance. The thing is to get to the principle that it is set down and must be provided. That would be the way to do it, not saying exactly what the “it” is. Indeed, the “it” will change as digital technology changes, with things like 3D printing. I am not a great technologist, but I think that the Act can get across the mandatory nature of the equipment that must be used. For people across the country who are registered blind, any sense that you could go to a polling station in one local authority area and get one device, and go to another elsewhere and get another device, would be a retrograde step.

**Q171 Chloe Smith:** Thank you. This is my last question, just to complete the set, if you like. I understand your point that there could be difference across the country, but clause 8 seeks to make support mandatory. Do you think clause 8 and making it mandatory is sufficient?

**Fazilet Hadi:** No. I am not an expert on the Elections Bill, but it seems very much to put it down to the individual electoral officer to decide what is reasonable. I accept that we could be talking in a much wider sense about what is reasonable for any disabled person. As I said earlier, some people might need a slightly higher or

lower table in the polling station, depending on whether they are standing up or in a wheelchair. Some people might need a fatter pen because they have dexterity issues, and some people might need some sort of tactile device. In that sense, it is good that the Act tries to cover a broader range of equipment. Nevertheless, I still think that the Government need to specify those types of equipment in guidance and standards. As I said, voters would expect that consistency across the piece. At the moment, the language needs hardening. If the Government’s intention is to make this mandatory, I do not think that that comes across.

**Chloe Smith:** It is very helpful that you close with the point that it must be specified through guidance, because that is indeed what the intention is. It is also what one of our witnesses yesterday agreed was where much of the work should be done.

**Q172 Cat Smith:** Fazilet, welcome to the Committee and thank you very much for the contributions you have made so far. I have a couple of questions.

You opened your remarks by describing how you felt that the legislation is turning back the clock, particularly for voters who are blind or partially sighted. If I understood correctly, that is because the 1983 Act wording would be rescinded and there would be much more flexibility for local authorities to have potentially quite different ways of supporting blind and partially sighted voters. That would create something of a postcode lottery. What would the challenges then be for voters with a disability or impairment who have perhaps moved house to a different local authority area and might then get a different level of service or a different system to facilitate their needs? Would that be an additional barrier to voting for disabled people?

**Fazilet Hadi:** I like the words in the Representation of the People Act 1983, “prescribed equipment”. Obviously, guidance can say at any point what that prescribed equipment is for. There might be prescribed equipment for people with other impairments. It is not just tactile devices; it could be adjustable tables or pens that people can grip.

The Government signed up to the UN convention on the rights of persons with disabilities, which says that there must be full participation in political and public life for disabled people. It specifies that there must be materials, facilities and procedures that are fully accessible and appropriate. It specifies that there must be a secret ballot. It specifies that there must be assistance from whoever the disabled person chooses. The Human Rights Act 1998 talks about the right to vote and how we all need to have the ability to express our opinion through voting. The Equality Act 2010 puts a public sector equality duty on the Government and local government—any government—to think about what they are doing to promote the interests of, and make reasonable adjustments for, disabled people and others. We have all these laws and a stated intention that this Bill should make things better for participation by disabled people, but it cannot be better for the equipment to be different in different polling stations. For me as an elector, it is about not knowing exactly what I am entitled to, so that I can try to enforce it if I do not get it. Leaving arrangements to the 152 local authorities in England, and I do not know how many in Scotland, Wales and Northern Ireland, is totally unacceptable.

**Q173 Cat Smith:** I have heard representations from various different disability charities and advocacy groups representing disabled people about the accessibility challenges of local authority buildings. Part of this legislation relates to voter ID. You have mentioned that you have some concerns about that. Putting those concerns slightly to one side, do you have any concerns about the barriers that would be faced by disabled voters in trying to access the free voter ID that would be administered by local authorities—not the polling stations, but the free ID cards?

**Fazilet Hadi:** Huge concerns. If we think about who does not have a driving licence or a passport, who does not have a blue badge or a bus pass or a railcard, we are asking those people who have obviously found it unsurmountable for various reasons—those reasons could be cognitive, sensory, digital exclusion; all sorts of reasons—to apply for a card. We are asking the most disadvantaged people in our community, who have not got one of those other cards, to go and apply for a card. It just does not make any sense. These are the people who are least likely to apply for a card. If they could apply for cards and that was easy for them, they would have one of these other cards. I just feel the proposal is completely impracticable.

If we really want the people who are really struggling to vote to come and vote—the people who do not have any of these cards—you can imagine how many challenges that section of the community has, and applying for a voting card would not come anywhere near the top of their to-do list.

**Cat Smith:** Thank you.

**Q174 Patrick Grady:** Thank you, Fazilet, that is really very helpful. I have quite a technical question about the wording in the legislation and what the Government propose. What they propose to do is to take out the wording that currently exists about prescribing devices for eligible voters who are blind or partially sighted, and to replace it with a more general paragraph about supplying, as you already mentioned,

“such equipment as it is reasonable...for the purposes of enabling or making it easier for, relevant persons”.

Relevant persons would include blind or partially sighted people, but also people with other disabilities or impairments or difficulties.

Is there any reason why you could not just have both? You could keep the specific provisions, perhaps updating them so we are not limiting this to one specific piece of advice, and making a bit of a tweak so that we talk more generally about equipment that might change over time with technology, but keep those provisions and add in the extra requirement for a wider group of voters who might have difficulty accessing the polling stations. Do you see any incompatibility with that approach?

**Fazilet Hadi:** No, there is no incompatibility. My main point would be that if there is prescribed equipment—that is not just for blind people; if there is prescribed equipment for wheelchair users or people with dexterity problems—let that be prescribed, so that we get consistency across the board, but let us have an additional provision about how all reasonable adjustments should be made, which is actually just repeating the duty in the Equality Act, because electoral officers are discharging a public function anyway. I do not mind that being repeated, but I do not think we should be

confusing prescribing equipment for whichever impairment group needs it with the duty to make reasonable adjustments. They can live together quite harmoniously—I agree.

**Patrick Grady:** Thank you. That is very helpful.

**The Chair:** If there are no further questions from Members, I thank the witness for giving evidence today. It is much appreciated.

#### Examination of Witness

*Dr Alan Renwick gave evidence.*

3.17 pm

**The Chair:** We will now hear oral evidence.

**Cat Smith:** On a point of order, Ms Rees. A motion to approve an instruction has been laid by the Government and will be heard on the Floor of the House on Monday, regarding expanding the Elections Bill to include electoral voting systems, specifically in terms of mayoralities within England and police and crime commissioners. Would it be in order to ask questions of Dr Renwick about electoral systems, given that they are not currently in the scope of the Bill?

**The Chair:** My understanding is that matter is not currently in the scope of the Bill. I am aware that the motion is on the Order Paper for Monday.

**Cat Smith:** Further to that point of order, is it possible for the Committee to take evidence on electoral systems at any future scheduled evidence sessions that would take place after Monday, when such systems presumably would become part of the Bill?

**The Chair:** If it is possible to have a supplementary programme motion, then that could be added, but that is not a matter for me. That is usually done through the usual channels.

**Cat Smith:** Thank you, Ms Rees.

**Q175 The Chair:** I welcome Dr Alan Renwick, deputy director of the constitution unit at University College London. Thank you very much for joining us. We have until 4.15 pm for this session. Please could you introduce yourself?

**Dr Renwick:** I am Alan Renwick from the constitution unit at University College London and I lead our work on elections and referendums, and some of our recent work on the structure and functioning of the Union.

**Q176 Cat Smith:** Dr Renwick, thank you so much for your time this afternoon. May I begin by asking you about the Electoral Commission? The legislation proposes some changes to the way the Electoral Commission is managed, in terms of the Government setting out a strategic document to direct the work of the commission. It also proposes slight changes to the Speaker's Committee on the Electoral Commission by adding a new Minister to a committee that already has a Government bias. Do you have any examples of how electoral commissions work in other democracies and the level of Government interference over regulators?

**Dr Renwick:** The principle for a good electoral commission is that it should be independent from the Government. The details of how that works in countries around the world depend a great deal on political culture; it is not just a matter of institutions. I would not attempt to draw a tight parallel between how things work in other countries and how things should work in this country. For example, some countries might have a procedure for appointing members of an electoral commission that might look quite political on the surface, but in practice, given the conventions in that country, it may be properly neutral and protect the commission's independence. The key thing is how to ensure the independence of the Electoral Commission, alongside the appropriate accountability, in the context of the UK. I am afraid that the Bill's proposals seem wholly contrary to the principle of independence of the commission.

Independence and accountability matter. It is absolutely right that there should be parliamentary accountability, and there is already a great deal of it. The Electoral Commission is, of course, accountable to the Speaker's Committee; the Public Administration and Constitutional Affairs Committee scrutinises the commission's work a great deal; and it is also accountable to the Scottish Parliament and the Senedd. I do not think that there is a deficit of accountability of the commission at present.

As for independence, I think that it requires, quite simply, that Parliament lay out the remit of the Electoral Commission, and that must happen through primary legislation, so that Parliament can properly scrutinise and amend that remit. It is not a matter that is written in Government and subject to much more limited parliamentary scrutiny or opportunity for amendment. Parliament should lay down the remit for the commission, which should then get on with delivering that—subject to appropriate scrutiny, as already exists. The idea of having an additional strategy and policy statement written by Ministers, without the appropriate degree of scrutiny, flies in the face of the principle of independence, and therefore seems to be wholly inappropriate.

**Q177 Cat Smith:** You said that the Electoral Commission is also accountable to the Welsh Senedd and the Scottish Parliament; it is also funded by both those Parliaments. Could you say what consideration the Committee should give to any change due to a strategy and policy statement driven by a UK Parliament, and what tensions that could potentially create within the Union?

**Dr Renwick:** It could potentially create very great tensions. The proposal would clearly require a legislative consent motion in order to be compatible with the Sewel convention. The Counsel General—the Minister in the Welsh Government—has already indicated that he does not recommend that a legislative consent motion be passed on this matter, and I presume the Scottish Parliament will do the same.

This part of the Bill envisages that Ministers in the UK Government, subject to affirmative procedure, would be able to specify guidelines for devolved matters and that Scottish and Welsh Ministers would only be consulted—and, indeed, would only potentially be notified—in the case of amendments to the statement. That seems wholly contrary to the principles of devolution that have been established, and I cannot see any justification for it. The Sewel convention indicates that Westminster will normally not legislate in matters that have been

devolved. There is nothing abnormal here, there is nothing unusual and nothing has changed since these matters were devolved to Scotland and Wales—those devolution changes did not take place very long ago—so it seems very problematic.

That also heightens an issue that already exists with the governance of the Electoral Commission: the commissioners themselves are all appointed on the recommendation of the House of Commons, and that on the recommendation of the Speaker's Committee. The Speaker's Committee has, in recent appointments of commissioners with responsibility for Scotland and Wales, either consulted the Presiding Officer or the Llywydd, or included a representative of those people in the committee responsible for shortlisting, but that has been entirely at its discretion.

There is a need to review the arrangements for governance of the Electoral Commission in light of the recent devolutions of electoral matters in those areas. The last serious review of this question, conducted by the Committee on Standards in Public Life in 2007, said at that time that the current governance arrangements were appropriate because those matters were not devolved. These matters have been devolved now, and therefore there is a need for a review.

My impression is that this point has not been thought about terribly much. I do not detect that either the Scottish Government or the Welsh Government have done much detailed thinking on this, but some consideration is needed of how to ensure that the Scottish Parliament and the Senedd are properly represented in these processes.

One final point I should make in this area is one that has been made by others: the fact that the Speaker's Committee has a majority from a single party is simply indefensible against the principle of independence of electoral processes. That has never happened before—it did not happen when there were large majorities for Governments in the early 2000s; at that time there was no majority for that party in the Speaker's Committee—but it has been allowed to happen now, which suggests that conventional constraints on the improper exercise of power are not working, to be honest. Legislative action is needed to ensure that there is never a single party majority on the Speaker's Committee.

**Q178 Chloe Smith:** Thank you very much for joining us, Dr Renwick; it is very good to have your expertise. May I make use of that expertise with a relatively simple starting question? Clause 14 deals with membership of the Speaker's Committee, and every so often we hear a misrepresentation—I think I just heard the hon. Lady from the Opposition doing this—suggesting that there will be an extra Minister of the Crown added to the Speaker's Committee. Could you help us to confirm that concurrent powers, which is what clause 14 contains and which, as you will recall, comes in the history of having made a transfer of functions order before, mean that this will be a question of a substitute Minister—essentially a junior when the senior is too busy?

**Dr Renwick:** I am not a lawyer, so I wondered when I looked at those words exactly what they meant, but if they mean what you have described them as meaning, they do not trouble me. It was always the intent of the PPERA legislation passed in 2000 that the Minister with responsibility for elections and the Minister with responsibility for local government should be members

of the Speaker's Committee, and if the change is simply intended to ensure that the Minister who has responsibility for elections can participate, but there are only two Ministers participating, then that change does not seem to me problematic.

**Q179 Chloe Smith:** Thank you. It is really helpful to get that on the record. It is worth noting that, as well as Ministers, there are shadow Ministers on the Speaker's Committee—there is Front-Bench involvement on both sides. Going to the Back-Bench members of the committee, can you confirm that under existing law, which is not changed by this Bill, the Speaker may appoint the five Back-Bench members of the committee—that is his power to do?

**Dr Renwick:** That is absolutely correct. I do not know what went wrong in this case. I cannot see an argument against the view that something has gone wrong in the current composition of the Speaker's Committee; it is wrong that it has its current composition. If you look at the 2007 Committee on Standards in Public Life report, there is a quotation from evidence provided by the Speaker's Committee saying that the convention has been applied and that the Speaker's appointments will be made such that there is no single party majority. That convention was understood in 2007, and the CSPL at the time recommended that it should be formalised. This has not taken place. Somehow, things went awry at the start of the present Parliament, and I do not know what happened or what went wrong. However, given that it has gone wrong, legislative change is now needed to ensure that it does not go wrong again.

**Q180 Chloe Smith:** How would you change what is, therefore, extant in legislation: that the Speaker would have the ability to appoint five Back-Bench members?

**Dr Renwick:** I would suggest simply a stipulation that that power be exercised subject to the constraint that there shall never be a majority of MPs from any one party within the membership of the committee.

**Q181 Chloe Smith:** Thank you. That has given us some food for thought, and a very helpful historical recap, as well.

Your points about the Sewel convention were interesting. I wanted to have your written evidence in front of us, as well as what you have just said. In your written evidence you say the proposed strategy and policy statement violates the Sewel convention. Your words just now were accurate in saying that the Sewel convention says that this House will not normally legislate for affairs that are devolved without consent. You have clarified in your words here today that it is the existence or otherwise of an LCM that would violate the Sewel convention. For absolute clarity, can you confirm that the strategy and policy statement does not, in its own right, violate the Sewel convention, but instead, the behaviour and procedure around it is where you direct those comments?

**Dr Renwick:** I intentionally changed my comments because what I wrote in my evidence was somewhat inaccurate. What I should have said was, if there is no legislative consent motion on this aspect of the Bill, then the inclusion of the strategy and policy statement as currently set out would violate the Sewel convention. It seems very likely that there will not be a legislative

consent motion; that was the presumption I was making, but it was a presumption that I should not have made without clarification.

**Q182 Chloe Smith:** It is really helpful to have been able to do that today. From your experience monitoring many of these Bills and exchanges, I am sure you would say that it takes a little time for that position to emerge, both in terms of what the intention of the Executive is in any one of those legislatures, and then what the intention of the legislature is. It takes some time. There is not yet necessarily a moment in this Bill where you could have made a statement saying this violates the Sewel convention.

**Dr Renwick:** Absolutely. The Welsh Minister in his legislative consent memorandum indicates that he is in conversation with you, which I am very glad to hear, and I hope you will take your normal constructive approach in seeking a solution to this issue.

**Q183 Chloe Smith:** That is good to have confirmed. My final question is about the strategy and policy statement and its procedure in Parliament. You gave the view that it would be wrong for the Government to produce that statement, and I think I am quoting you, "without the appropriate degree of scrutiny." Can you explain what is not appropriate about the statement being approved by both Houses of Parliament?

**Dr Renwick:** It would be subject to much less scrutiny than primary legislation and it would not be amendable. As far as possible in this area, the principle should be applied that the rules are made in a reasonably consensual cross-party manner. I realise that is very difficult and it is not guaranteed by the primary legislative process, but at least there is a process for proper scrutiny and discussion of the proposals in a cross-party forum. The procedures around the strategies, policies and statements that are indicated in the Bill do not enable that degree of scrutiny, which I think is simply not appropriate.

**Q184 Chloe Smith:** But Parliament—in the Chamber twice—does provide for a debate as you have described.

**Dr Renwick:** There is the kind of detailed scrutiny that we are having today, for example, in which there is an opportunity for detailed discussion of the proposals to take place. Also, of course, part of what we are doing here today is bringing in the views of a variety of people from beyond Parliament as well. It is essential that the processes of accountability for the Electoral Commission should be both cross-party and non-party. Those two features are essential for ensuring that electoral integrity is maintained for the simple reason that, as a member of the Committee alluded to earlier this afternoon, however wonderful MPs are—I have great respect for MPs; I know some of you on the Committee and I genuinely think you are great people—you have a vested interest in these issues. We are talking about a body that regulates some of the activities of MPs. In that context, it is essential to ensure there is a process that brings in voices from outside Parliament, and the primary legislative process allows that to a much greater degree than does a simple affirmative resolution.

**Q185 Chloe Smith:** Thank you for that very helpful perspective. Essentially you argue that this measure ought to be subject to the full primary procedure. May I ask one last clarifying question, and then I will get the

Executive to shut up and hand over to the Back Benchers, which is, I am sure, a principle you agree with, Alan. Can you confirm that the Bill's measures leave in place, do not affect, and take nothing away from the governance structure and statutory provisions for the Electoral Commission's board and commissioners, which include party figures, cross-party figures and non-party figures, as you desire?

**Dr Renwick:** Yes. The changes introduced in 2009 with the introduction of party members of the Electoral Commission was a desirable step in ensuring that all voices are properly represented in the governance of the Electoral Commission, and those structures are not changed. As I have indicated, in some respects the governance structures need to be changed, particularly regarding the composition of the Speaker's Committee and the question of how we reflect the devolved arrangements, but yes, I agree that the arrangements you mentioned are not changed.

**Chloe Smith:** Thank you, Alan. As always, it is good to debate with you and really good to have your expertise.

**Q186 Brendan O'Hara (Argyll and Bute) (SNP):** We have spoken to various witnesses, including a former electoral commissioner, over the last couple of days about the statutory policy statement. No one seems to have been aware that this proposal was coming. Were you aware of it being trailed or discussed privately with either the devolved Administrations or in academic circles, to see whether the changes would enhance and improve the independence and the working of the Electoral Commission?

**Dr Renwick:** No, I was not. I would not expect to have been aware necessarily of all the consultations that might have taken place, but I do not recall being aware of the proposals before they were announced by the Minister in June. To be honest, that is problematic. I have expressed concerns about the substance of the proposals, but procedurally there is a difficulty here as well because of the point that I have already alluded to. With the best will in the world, and with full respect to you as MPs, the fact that you have a vested interest in this issue means that it is incumbent upon you to proceed with particular care when you are thinking about electoral matters generally, and particularly the governance of the Electoral Commission.

I think the procedure that ought to be followed in such a case is that there is an independent review before any recommendation such as those that have been introduced here are put forward. That was the case in 2000; the introduction of the Electoral Commission stemmed, if I remember correctly, from the Fifth Report of the Committee on Standards in Public Life. The changes in 2009, introducing, among other things, the

partisan commissioners, reflected recommendations made in, if I remember correctly, the Eleventh Report of the Committee on Standards in Public Life. There has been no comparable process in this case. I do not think that that is an appropriate way to introduce significant changes in the governance of the Electoral Commission.

**Q187 Brendan O'Hara:** Can I ask you then to speculate on why it has not been done as you would have expected and as it has been done in the past? Why do you think it has been done in this way?

**Dr Renwick:** I do not think it is for me to speculate on that to be honest. I regret that it has happened in this way. I have great respect for the Minister, and I hope that there may be scope for reconsideration of some of these aspects. For example, as you will all be aware, the CSPL published a report just two days after the Bill was published on the regulation of election finance, which of course is part of what the Bill covers. I would very much hope that the Government have been considering the recommendations made in that report, and might introduce amendments to take account of many of them. I thought it was an excellent report. I hope that there is scope to change elements of the Bill in order to reflect the views that have been heard since its publication, because I do think that steps up to that point were too hasty.

**Q188 Brendan O'Hara:** Finally, increasing public trust in electoral systems and the institutions that support them has been a recurring theme throughout this evidence session. Do you think that the proposal from the Government will increase or decrease public trust in the independence of the Electoral Commission?

**Dr Renwick:** The main point is that the governance of the Electoral Commission should stand up to proper scrutiny, and should be appropriately independent. Frankly, I am not sure whether it has much impact on public perceptions. I suspect that most people have higher priorities in mind. Certainly, the measures diminish the integrity of the electoral process, or will do if introduced, and that ought to be regretted. Quite what effect that has on public opinion as such, who knows?

**The Chair:** If there are no further questions from Members, thank you, Dr Renwick, for your evidence. It is much appreciated. The Committee will next meet at 9.25 am on Wednesday 22 September to begin clause-by-clause consideration of the Bill.

*Ordered,* That further consideration be now adjourned.—(David Rutley.)

3.44 pm

*Adjourned till Wednesday 22 September at twenty-five minutes past Nine o'clock.*

**Written evidence reported to the House**

EB03 Law Society of Scotland