



House of Commons

Political and Constitutional Reform
Committee

The Government's proposals on Individual Electoral Registration and Electoral Administration

Written Evidence

Only those submissions written specifically for the Committee and accepted by the Committee as evidence for the inquiry are included.

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**Written evidence submitted by Mark Harper MP, Minister for Political and
Constitutional Reform (EA 01)**

ELECTORAL ADMINISTRATION PROVISIONS - PUBLICATION OF DRAFT
LEGISLATION ON WEDNESDAY 13 JULY

1. I am writing to inform you that the Government is publishing today draft legislation on three electoral administration provisions for pre-legislative scrutiny. The draft legislation is accompanied by Explanatory Notes in order to assist the reader of the provisions and to help inform consideration of them.

2. The draft legislation is intended to form part of a larger package of measures which will also include draft legislation on individual electoral registration (IER) which, as you know, has been published separately for pre-legislative scrutiny. The draft legislation addresses particular issues that have been raised by MPs and peers, and by electoral stakeholders, and proposes practical and sensible changes that will help to deliver more effective electoral administration.

3. The draft legislation includes provisions which extend the timetable for UK parliamentary elections from 17 to 25 days and similarly extends the timetable for UK parliamentary by-elections. It is worth noting that the timetable provisions do not currently take into account the IER proposals, in that they are drafted to amend the current version of the Representation of the People Act 1983 and not the Act as it will be amended by the IER provisions. The drafting will of course be consistent when the provisions are introduced in a single Bill.

4. Extending the timetable for UK Parliamentary elections and by-elections will bring benefits for voters, in particular overseas and service voters, and administrators, as well as adding to the robustness and integrity of the electoral process. I propose that, within this extended timetable:

- the deadline for parties to nominate candidates should continue to be 6 days after the start of the timetable. In practice this will now be 19, rather than 11, days before the date of poll, which will allow administrators to begin printing ballot papers further in advance of the poll;
- provision should be made for updated versions of the electoral register to be created at an earlier point in the timetable to allow postal votes to be distributed to new registration applicants earlier than is currently possible.

5. I also propose to address an oversight in existing legislation passed during the previous Government's time in office which allows a candidate standing for a single party in a UK

Parliamentary election to use an emblem on their ballot paper, but does not allow jointly-nominated candidates to do so. This issue has primarily affected candidates standing on behalf of the Labour Party and the Co-operative Party. The proposal will ensure that electoral law is consistent on this issue.

6. The draft legislation also makes changes to the existing system for reviews of polling districts and places in Great Britain for UK Parliamentary elections to bring them in line with the five year cycle for UK Parliamentary boundary reviews implemented by the Parliamentary Voting System and Constituencies Act 2011 and the proposed cycle of Parliamentary terms under the Fixed-term Parliaments Bill.

7. I would like to highlight two particular issues that we have considered in developing the draft legislation in light of representations from stakeholders but have not made provision for in the published draft legislation. It would be very helpful if views could be welcomed from stakeholders as part of the pre-legislative scrutiny process.

8. The first issue is that, in the context of the proposal to extend the electoral timetable, whether the deadline for postal vote applications (but not the deadline for registration applications which would stay at 11 days before the date of the poll) should be moved further in advance of the date of the poll, for example, from 11 to 19 working days. If stakeholders support this alternative proposal to that set out in the Bill, it would be helpful to invite them to make an evidence based case for it. We considered this approach when developing the extended timetable provisions and we think this change would make it possible for the whole postal vote issuing process to be completed within a week of the 19 day deadline, shortly after the 14th day prior to polling day. However, whilst the option would retain the benefit for electors of being able to register up to 11 days before polling day as now, it would reduce their flexibility to obtain a postal vote. Some have argued that this change would ease pressures round the processes for issuing postal votes. On balance, we do not favour this approach because we do not wish to constrain the existing flexibility for electors but we recognise that some stakeholders would prefer this approach and we would welcome their submissions.

9. Secondly, we would welcome views on whether the deadline for appointing polling and counting agents by candidates at an election should be further in advance of polling day. for example, 5 working days. The role of these agents is to scrutinise the running of the poll during voting, the opening of postal votes and the counting of votes, and assist in identifying any issues with the conduct and integrity of the poll. Currently the deadline for appointing the agents is 2 working days before the poll. Anecdotal evidence from stakeholders suggests that it would be helpful if the deadline was moved to an earlier point in the timetable, in order to ease pressure on administrative processes during what is inevitably a very busy final few days before the poll. A possible change is that the deadline for appointing polling and counting agents is moved to 5 working days before the date of the poll. Again, we would welcome views on this issue, including from the political parties.

10. In publishing this draft legislation for pre-legislative scrutiny we look forward to the Political and Constitutional Reform Committee's Report later this year.

July 2011

**Written evidence submitted by Dr Scott Orford*,
Professor Colin Rallings**and Professor Michael Thrasher** (EA 02)**

* Wales Institute of Social and Economic Research, Data and Methods (WISERD),
Cardiff University

** Directors, Elections Centre, Plymouth University

Executive Summary

1. This evidence specifically relates to the Committee's work in relation to the reviews of polling places. It urges the Committee to consider not simply the important issue of accessibility in terms of physical access to the polling station by disabled people but also accessibility in terms of distance to travel by all electors in a polling district.
2. Distance to travel to vote affects turnout, especially in lower-salience elections such as those to the European Parliament and local council elections.
3. The Electoral Commission's good practice guidance manual for Returning Officers managing local government elections acknowledges the importance of distance to polling stations for all elections. Our research that examines voter turnout at polling stations in the London borough of Brent since the late 1970s supports this.
4. Polling districts with longer average road distances between postcodes of where the electorate live and the polling station tend to have lower turnout than districts with shorter average distances. This condition holds after social factors such as deprivation are taken into account.
5. The impact of distance travelled to the polling station varies with the type of election. The largest impact occurs in European elections, with voter drop-off occurring after 500 metres from the polling station. For local elections voter drop off occurs at around 600 metres. Distance has little influence on general election turnout.
6. The impact of distance to polling station is increasing. In the late 1970s, distance only had a marginal affect in European elections but since then this affect has not only become larger but has also become influential in local elections.
7. In the early 1990s, voter turnout was roughly the same in local and European elections for similar distances from the polling station, everything else being equal. By the late 1990s turnout to local elections had become larger, by an average of three percentage points, than that for European elections for voters travelling the same distances.

8. Voter turnout to European elections is sensitive to terrain over the same time period, with a drop in turnout of 4.8% for every 10 metre difference in height between where a voter lives and the location of the polling station for the election in the late 1990s, an increase from 3.6% in the early 1990s.

9. Similar research conducted in the US supports the UK research findings and describes the extent to which electors are becoming more sensitive to distance to travel to polling stations.

10. In particular voters are becoming sensitive to polling station re-location. The 2003 California recall election shows that consolidation of polling places in some areas had a negative impact on turnout. In Brent we demonstrate that by moving a polling station from its present location to another location that represented the maximum density of voters in the polling district, turnout could be increased by up to 5%.

Written evidence

11. This is written evidence for the Political and Constitutional Reform Committee regarding the draft legislation relating to electoral timetables, polling place reviews and the use of emblems on ballot papers (Standard Note: SN/PC/06055).

12. In particular, it is a response to the Electoral Administration Act 2006 and the duty for local authorities to review polling places every four years to ensure the improvement of accessibility of polling stations for disabled people. The draft clause in SN/PC/06055 concerns the timing of the reviews of polling places and changes this to every five years in light of the provisions of the Fixed-term Parliaments Bill.

13. We recommend, however, an additional draft clause that these reviews also take into consideration the accessibility of the polling station in terms of distance travelled to vote by all the electorate in the polling district and not simply cast accessibility in terms of physical access to the polling station by disabled people.

14. This is because the distance a person has to travel to vote can affect their propensity to do so, especially in lower-salience elections such as those to the European Parliament and local council elections.

15. The Electoral Commission's good practice guidance manual for Returning Officers managing local government elections in England and Wales acknowledges the importance of accessibility in terms of distance to polling stations for all elections.

16. Part B of the manual—preparing for an election—states in paragraph 5.14:

*“The location of the building is important when considering whether or not it should be used as a polling station. **If possible, it needs to be close to where voters live and to be fully accessible. Questions to ask are: is it located close to where most of the electors in the***

polling district live? Is it at the top or bottom of a steep hill? Does it have suitable access from a road? If there is a pavement, does it have a dropped kerb close by? Are there any convenient public transport links?” (The Electoral Commission (2007): Managing a local government election in England and Wales: guidance for Returning Officers – a good practice guidance manual, Part B, Page 25; added emphasis)

17. The Electoral Commission’s good practice guidance is supported by our own work in the London Borough of Brent for elections between the late 1970s and 2001 (Orford et al., 2009; Orford et al., 2011). This research reveals that voters are very sensitive to accessibility to the polling station and those voting in person will, for example, factor in costs associated with the distance to travel and the estimated journey time.

18. We have shown that polling districts with longer average road distances between the postcodes of where the electorate live and the polling station where they cast their vote tend to have lower turnout than districts with shorter average distances, and this condition holds after social factors such as deprivation are taken into account. A similar result occurs when average road distance is substituted for postcode density within polling districts. In extreme cases, even marginal changes to the distance travelled and time taken to vote can make a difference—distances travelled to vote in the Brent example ranged from almost nothing to two kilometres.

19. Our work also shows that the impact of distance travelled to the polling station varied depending upon the type of election. The largest impact occurred in lower-salience European elections, with voter drop-off occurring after 500 metres from the polling station; this occurred at 600 metres for local elections. Distance travelled had very little influence on turnout to Parliamentary elections.

20. The impact of distance to polling station is becoming more important in recent years. In the late 1970s, distance only had a marginal affect in European elections but since then this affect has not only become larger but has also become influential in local elections. In the early 1990s, voter turnout was roughly the same in local and European elections for similar distances from the polling station, everything else being equal, but by the late 1990s turnout to local elections had become larger, by an average of three percentage points, than that for European elections for voters travelling the same distances.

21. In addition, voter turnout to European elections was becoming sensitive to terrain over the same time period, with a drop in turnout of 4.8% for every 10 metre difference in height between where a voter lives and the location of the polling station for the election in the late 1990s, an increase from 3.6% in the early 1990s.

22. Research in the U.S. reveals comparable findings to those in the UK. Work by Gimpel and Schuknecht (2003) shows that, other things being equal, the perceived costs of travelling longer distances to vote are far greater in higher-density urban areas than in suburban and

rural areas where traffic congestion is lower and people expect to travel longer distances in order to carry out daily activities. Haspel and Knotts (2005) demonstrate that voters are sensitive to even small differences in distance travelled.

23. Further confirmation of sensitivity to polling place location comes from a study of the 2003 California recall election (Brady and McNulty 2005), which found that the consolidation of polling places in some areas had a negative impact on turnout; for some electors the disruption to their voting routine and the additional travelling costs proved a sufficient disincentive to voting.

24. In our work in Brent (Orford et al., 2011) we demonstrate that by moving a polling station from its present location to another location that represented the maximum density of voters in the polling district, turnout could be increased by up to 5%. Hence, even subtle changes in electoral procedure and their effect on aggregate levels of turnout merely serve to emphasise the importance of the perceived costs of voting and the sensitivity of voters to this in terms of the decision to vote.

25. Although our work is based on ecological rather than individual level voting data, these results nonetheless give support for the contention that accessibility in terms of distance travelled to vote matters and it matters more at low salience, second order local and European elections and is becoming more important.

26. Reasons for the increasing importance of distance may reflect the increased time pressures faced by prospective voters, such as longer commuting time and changing work and home commitments, meaning that the costs of voting have become more significant. Hence, while it is clear that social factors continue to be important for the explanation of turnout, it is also apparent that electors are engaging in more assessment of the costs and benefits of voting (Blais 2000).

27. Of course, we should be cautious when making generalisations from a single case study based within a London borough. Clearly, more research is needed that, ideally, should include areas that are geographically different.

28. Such research should address some crucial questions. Are electors that reside in less densely populated areas (where polling stations may be further apart) more or less sensitive to distance from polling station than their urban neighbours? Is there a tipping point where the distance to travel rules out the probability of walking and what, if any, is the subsequent effect on participation.

29. It is time that more attention is given towards facilitating voting by a more strategic approach to the siting of polling stations. Given the increased emphasis in local authority guidance on improving accessibility and reducing distances travelled to vote, we would argue

that a better understanding of how turnout is affected by the location of polling stations should feature in the five year polling place review.

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September 2011

Written evidence submitted by Bristol City Council (EA 03)

1. We are writing in full support of the proposed draft electoral administrative provision presented to Parliament in July 2011.
2. The current position where Electoral Services teams could have to deliver the complex parliamentary election event at 17 working days notice, is an almost impossible task.
3. A parliamentary election is an extremely detailed, precise event with a timetable containing absolute deadlines. For the Bristol electorate of approximately 310,000, we employ 1,000 election day staff, run 156 polling stations, and run four major counts. We plan to be in a constant state of readiness however an extension of the timetable to 25 working days would be very welcome, and would significantly reduce risk. We would also welcome any further extension.
4. We therefore also fully support the proposals to:
 - Adjust a number of deadlines within the timetable, in particular the date for delivery of nominations.
 - Allow more time for the postal vote process.
 - Extend the electoral timetable for UK parliamentary by elections:
 - *Polling day to take place between 17 and 19 rather than 9 and 11 working days after the last day for delivery of nomination papers.*
 - *This extended timetable also allows for polling day to be set for a Thursday.*
 - Extend the timetable for polls which are re-run due to the death of a candidate.
 - The fresh poll will take place between 21 and 27 rather than 15 and 19 working days after the day on which the election writ is taken to have been received.
5. We support the proposals of altering registers pending elections ie people applying to be added to the register of electors, close to the registration deadline prior to an election. We understand that the changes will enable more postal ballot papers for those people to be issued earlier, ie closer to the days when other postal vote ballot papers are issued for those already on the register.
6. We also support the proposals to make changes to the timing of polling place, and polling district reviews to bring them into line with 5 year fixed term Parliaments with the compulsory review periods. We do as a matter of practice carry out mini reviews following each election. However major reviews require a significant input of Electoral Services time

and must be programmed carefully to avoid impacting on major events such as the annual canvass and elections.

7. Our own experience of candidates demonstrates that some are members of more than one registered political party. It seems eminently sensible that at UK Parliamentary elections where candidates are jointly nominated by two or more registered political parties that they be allowed to use on the ballot paper an emblem registered by one of the nominating parties.

September 2011

**Written evidence submitted by Dr Toby S.James,
Department of Political and Cultural Studies, Swansea University (EA 04)**

Executive Summary

1. The Government has recently published proposals to reform election administration in Britain (Deputy Prime Minister, 2011). There are numerous changes in the proposals but the principal ones are the introduction of *individual electoral registration* (hereafter 'IER') and *voluntary electoral registration*.

2. This briefing aims to map out the likely impact that IER might have. It does so by noting some of the findings of published research on election administration but also draws from interview evidence that the author has collected as part of an ongoing research project on election administration.

3. IER would be one of the most significant changes to election administration that Britain has seen since becoming a democracy. It will force electoral administrators to undertake significant and costly administrative changes. At a time when a number of other changes are being made to electoral law in the UK, and local government budgets are being cut, there are concerns about the funding of elections.

4. Levels of registration in the UK have been in decline for some years (Electoral Commission, 2010b). The paper suggests that IER is very likely to accelerate this decline. Although it is not considered in depth in this briefing, it is anticipated that voluntary registration is also likely to reduce the numbers on the electoral register.

5. If IER is to be introduced then it is recommended that:

- The long-term funding of election administration is duly considered, given the context of local government cuts.
- Other provisions should be put in place to boost voter registration such as enabling voter registration when citizens access other government services. Lessons can be drawn from overseas innovations.
- Issues of voter accessibility are fully considered.
- The views of citizens towards the registration process should be carefully monitored towards the registration process once during and after the implementation of IER.

Context: Change in UK Election Administration

6. There have been very few changes to electoral registration in the UK until recently. Electoral registration has been the responsibility of local government since the Representation of the People Act 1918. The Electoral Registers Act 1949 made persons of age between November and June each year to be included in the electoral register. Electoral registration has largely been unchanged until the turn of the century.

7. New Labour undertook an electoral modernisation programme while in office but most of the changes related to the procedures for casting a vote. The Representation of the People Act 2000 introduced continuous rather than annual registration, provisions for the homeless, citizens in psychiatric wards and remand prisoners to be included onto the register. The Electoral Administration Act 2006 introduced performance standards for local authorities and placed a legal requirement for them to undertake door-knocking as part of the annual canvass. The aim was on improving registration rates and targeting 'democracy deserts' (James, 2010b, 2011).

8. There is strong support for individual registration from many organisations. The Electoral Commission has supported Individual Registration since 2003 (Electoral Commission, 2003). The 'Birmingham case' in 2004, when election court uncovered fraud in local elections in two wards, led to even greater calls for its introduction (Stewart, 2006). These have come from The Committee of the Office of the Deputy Prime Minister (2004), The Office for Democratic Institutions and Human Rights (2005: 1), the Committee for Standards in Public Life (2007: 6-7), and the Association of Electoral Administrators (2010).

9. The Labour Government was initially resistant to this because it was concerned about the effect that this might have on the electoral register. However, political concerns were also important because there is evidence that they thought that it would be their voters that would be more likely to drop off the register (James, 2010b).

Diagnosing Problems with British Election Administration

10. One of the stated objectives of individual registration is concerns about fraud. According to the White Paper 'In the past decade there have been abuses of this system which have shaken the public's confidence in the security of our elections' (Deputy Prime Minister, 2011: 5).

11. There have been some cases of high profile fraud, notably in Birmingham in 2004. Stuart Wilks-Heeg has provided detailed data on levels of convictions in the UK (Wilks-Heeg, 2008).

12. However, levels of voter fraud are ultimately unknown because of the problems involved in measuring them. As prominent American scholars Michael Alvarez et al. put it:

‘...are fraud accusations like airplane crashes—infrequent but focusing events that we remember; or are accusations of fraud more like car accidents, events that occur frequently but where only the most dramatic make the news?’ (Alvarez, Hall, & Hyde, 2008: 10)

13. A recent study of voter fraud in the US has shown that while there are many allegations of fraud, often these are without evidence and politically constructed (Minnite, 2010).

14. There have been concerns about the way in which elections have been administered but these do not principally relate to fraud. The most famous cases of problems were reported in the Scottish 2007 elections (Denver, Johns, & Carmen, 2009) and the UK General Election 2010 (Electoral Commission, 2010a). Analysis of these elections pinpointed the degree of complexity in electoral law, the number of simultaneous elections and poor ballot design by election officials as sources of problems (also see: Association of Electoral Administrators, 2011; Gould, 2007).

15. Research has identified a long term decline in registration rates in the UK. This was about 95% of the voting age population in the 1950s and 1960s. Estimates based on Census records suggest that the completeness of the registers was at 93.5% in 1980, 91–3% in 1990 and 91–2% in 2000 (Electoral Commission, 2010b: 1-2).

16. There are therefore other pressing problems facing British elections in addition to fraud and perceptions of fraud.

Election Administration, Registration and Turnout: The Existing Scientific Knowledge

17. It is well established in the political science literature that different forms of election administration can affect voter participation. There is a plethora of studies from political scientists in the U.S. dating back to at least the 1930s (Harris, 1934), but this research has accelerated over the last thirty years, especially since the U.S. 2000 Presidential election.

18. This often deploys a rational choice logic that some forms of election administration create barriers to participation by increasing the ‘costs’ of registering to vote and casting a vote. Individuals will be more likely to register to vote and cast their ballot when it is more convenient to do so (Wolfinger & Rosenstone, 1980).

19. Research has differentiated between procedures which are ‘expansive’ i.e. increase participation and those which are ‘restrictive’ i.e. reduce participation. I have recently developed a continuum which categorises each of the procedures according to scientific research (Table 1).

Restrictive ←—————→ Expansive						
Major restrictive effect	Minor restrictive effect	Marginal restrictive effect	Neutral	Marginal expansive effect	Minor expansive effect	Major expansive effect
Poll taxes. Literacy tests.	Excessively early registration deadlines. Voluntary registration. Infrequent updates to the register. Individual registration.	Annual updates to the register. Annual purges of the canvass. Purge of non-voters.	15 day registration deadline. Compulsory registration. Continuous updates to the register. In person registration. Household registration. Citizen's responsibility to register.	Registration office opens at weekends. Registration possible in public service agencies and 'Motor voter' schemes. House to House enquiries. Online / mail / phone return of registration form. State responsibility to register.	No registration requirements.	

Table 1: A continuum of registration procedures based on their effects on electoral turnout, adapted from James (2010a: 378-380).

20. Individual registration is currently categorised as a restrictive procedure, although the evidence base upon which this placed is limited. Most countries operate individual rather than household registration so there have been few opportunities for researchers to assess the effects of the change from one to the other. Inferences are therefore taken from the experience in Northern Ireland.

21. Individual registration was introduced in Northern Ireland after the Electoral Fraud (Northern Ireland) Act 2002. The same legislation simultaneously ended the annual carry forward of names of individuals who did not register each year. Photographic identification was also introduced.

22. There was an immediate drop in the register from 1,192,136 to 1,072,346—a ‘loss’ of 119,790 names or approximately 10% of the electorate—and a registration rate of 86%. By the third register, published in September 2004, 1,075,439 names were included—just 82% of the eligible population (Price-Waterhouse Coopers, 2006: 3-4) (see Figure 1 below).

23. Registration rates subsequently improved after countervailing expansive provisions were introduced. The Electoral Registration (Northern Ireland) Act 2005 gave the Government the power to temporarily reinstate names on the register. The Northern Ireland (Miscellaneous Provisions) Act 2006 ended the need for citizens to re-register each year.

24. Multiple simultaneous changes make scientific analysis of the effects very difficult. There have been many different interpretations about whether the reduced numbers reflected ‘real’ people or not. However, it is very likely that individual registration leads to lower registration rates than household registration.

25. If individual registration is implemented, there are a range of other procedures that could be introduced using the continuum to offset a decline in registration levels. These would include making online registration possible, which is proposed in the White Paper. It could also include making registration possible when citizens access other government services and contact other agencies. The National Voter Registration Act was introduced in the U.S. in 1993 to enable all citizens to register to vote when they applied for a driving licence and this now accounts for a substantial amount of registrations in most states. Registration could also be made possible when citizens pay council tax bills, visit Job Centres or access other services.

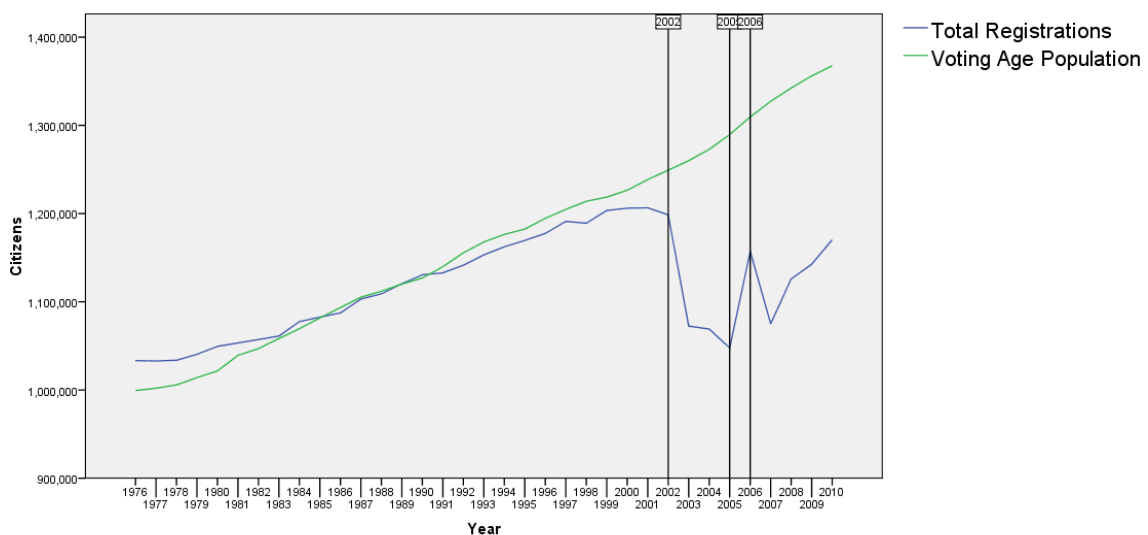


Figure 1: Registrations and Voting Age Population in Northern Ireland 1976-2010. Sources: Registration data from EONI (2011); VAP calculated from NISRA (2011).

The Views of Local Election Officials on the Implementation of Individual Registration

26. I am undertaking a research project on the impact of performance standards on election administration in the UK. At the time of writing, I have interviewed 33 senior elections staff across 18 local authorities in England and Wales and intend to interview staff in further authorities during 2011.¹ These are typically the Returning Officers, Electoral Registration Officers, Democratic Service Managers and Electoral Services Managers. The latter have comprehensive experience in managing the canvassers who collect registration information and managing teams who input the forms into databases.

27. As U.S. academics Donald P. Moynihan and Carol L. Silva note, of U.S. electoral administrators:

‘our knowledge on the views of LEOs [local election officials] remains impoverished. LEOs are the administrators of democracy. Their actions can disenfranchise voters, subvert the political process, and damage public confidence in democracy....[there is a].. need to understand LEO attitudes toward election administration and reform, as this knowledge can help explain election outcomes and the success of mandates for change’ (Moynihan & Silva, 2008: 817)

28. Their views are also significant because academic literature from public administration suggests that ‘top-down’ implementation of policies can often face implementation problems and unforeseen consequences.

29. Many of the LEO’s suggested that they were supportive of the idea of individual registration. Some thought that it would help to alleviate concerns about electoral fraud, as proposed. According to one:

‘I think something needs to be done to reassure the electorate that there is some form of double-checking that, you know, everybody needs to produce a PIN number or a signature for most things they do nowadays so, perhaps that’s what will reassure—put a bit more confidence back in the system.’

Others suggested that it was necessary modernisation of procedures that were now out of date. IER was described as ‘overdue’ and HER as outdated. According to one LEO:

¹ This research is generously funded by the Nuffield Foundation and McDougall Trust. Further information about the project is available here: http://www.tobysjames.com/election_laws_1.html and <http://www.swan.ac.uk/artsandhumanities/riah/videos/drtobyjames/>

'This idea of a household form is from a very, very old fashioned time when the head of the household filled the form in. So, from that point of view I think it's great.'

According to another:

'Britain is way behind the rest of world. It's archaic that you have household registration.'

30. However, three clusters of concerns or arguments against it were raised.² The first theme of concerns was about the costs and administrative burdens that they thought would fall on local government because of IER.

'I think the biggest concern now is that all that it's doing is adding to the bureaucracy... Because with the annual canvass, you could do it by household, with individual registration, you've got almost, you know, for every single person some sort of contact with them. For us, all we can see is almost all the costs, you know, in monetary terms, and also how we're going to be managing the systems ourselves, and we're going to have to put extra resources in to managing all this.....'

Some therefore expressed concerns that they might need additional canvassers and that every visit to households would take longer because of the need to complete a form for each person. One local authority expected that their staff would need to double to deal with the implementation. The Government's White Paper proposes paying for the introduction of IER but LEOs expressed concern for how long this money would be available for and whether it would in practice cover the whole cost to the authority of the implementation. Moreover, they expressed concerns that IER was being implemented at a time when funding to local government was being by central government and departments were asked to make savings. Election budgets are not ring-fenced. According to one respondent:

'We are in a world where we have got no money and they are acting as if it is endless.'

According to another:

'I tried to persuade them [the Council] the other day that we needed an extra member of staff. When everywhere else is shrinking here is an area that is expanding and could well expand with individual registration.'

² LEOs sometimes expressed concern about individual registration in general before the White Paper was published.

31. Related to this, concerns were expressed about late implementation. Electoral administrators have often complained that they have been put under undue pressure because of the late passage of legislation (Association of Electoral Administrators, 2011). Fears were concerned that the same could happen with individual registration. According to one participant:

'I think it'll be a very big change to manage, and we need very clear guidance and plenty of time to get it up and running, and not it all to be left to the last minute, because that's my concern'

32. A second theme of concerns reported by LEOs was about data quality. This may make IER difficult to administer because it might cause costs to increase and might even cause voter disenfranchisement in some cases. On the one hand the public were often prone to make errors on their forms. One LEO worked in an authority that had piloted internet voting and reported that some citizens, especially the elderly, found difficulty in providing key identifiers that were necessary for the system to work. According to her:

'[individual registration] is designed by these intelligent people who don't realise how daft some of the members of the public can be. It's a lovely idea but when I was in xxxx ... [we had to] get them to supply their national insurance number. We had one woman every year would give you her national insurance number. Every year you'd write to her and say "That's not your national insurance number." It turned out it was her gas mask number from the war and she was convinced that was her national insurance number and there's no way you could get any other number out of her.'

33. The Electoral Administration Act 2006 required those applying for postal votes to supply a signature and their date of birth as personal identifiers. However, a number of LEOs reported that the date of births did not always match. This forced them to have to interpret whether the application was valid or not. One LEO described their predicament:

'On postal votes the number of people that don't know their date of birth, you wouldn't believe it actually. We don't reject them all because the legislation actually says "If you're satisfied that it's that person...." So you look at it and you think "Oh the signature's the same, the writing or the numbers look similar, alright this one's five years out, that one's a month out, that one's got something completely different." If it's completely different you think "Yes, you know, you can't change from the 2nd of October to the 27th of April.'"

34. This highlights the importance of clear and consistent guidance for LEOs about when an application should be included or not. Much of the controversy in the U.S. Presidential election centred on whether the 'clear intent of the voter' was clear and the inconsistent way in which different officials applied different standards.

35. Data quality issues may also arise because of data conflicts between different government information systems, LEOs thought. This might be the case when names had been inputted

by an administrator who was unfamiliar with a name because it came from a different community.

'if somebody's name's, let's say me for example, my name is spelt, first name is with a K with the national insurance people and if I'm getting benefits with the WDP, you know, it's with a Q and when [Council A] collects that information "Oh they are two different people." Are you with me, they will have to do more investigation. These are the same person, you'll have to write to the person and stuff like that at the moment it's being discovered. So having a long discussion with [x] this week I think we both came to the conclusion that we would probably end up with six or seven records for each person in the Borough.'

36. One LEO therefore claimed that the key strategic problem task was deciding which unique identifier should be used for IER:

'What's the unique identifier because I think it comes absolutely for me to that issue. Do you use NI numbers for instance as the kind of identifier for people's individual registration ID or do you use NHS numbers which are a bit more secure and less in circulation and less fraudulent than NI numbers are in practice? Or do you introduce something else? Do you use passport number? There's a whole host of identifiers and we've got to get to the bottom of that really before we then can build up a system that uses that as its prime currency, that's secure, that's trusted, and that engages with other government systems, various guises, and I see that as the fulcrum of the ability to introduce individual registration actively and securely.'

37. A third theme of concern raised in the interviews was the impact that IER would have on levels of registration. Many LEOs described problems with apathy amongst the electorate. They suggested that IER would impose an additional administrative burden on citizens which would further discourage prospective registrants:

'Well the likelihood is that the registration rate will take a nosedive ...I've already mentioned about the apathy which surrounds elections and the difficulty of getting people to return the forms, at the moment we're only trying to get one form per household, in the future we're going to try and get in every individual within that household to return a separate form so I think the problems will be amplified and that the registration rate will nosedive.'

'We've got the prospect of individual registration on the horizon. I'm not sure that's a good thing, because I want to see electors registered and I don't want to do anything that will put them off doing so and I'm a bit concerned that what's been proposed, if it actually comes to fruition, will put people off registering. People want things easy these days, you know, they don't want life complicated, and asking for their national insurance number is going to complicate things.'

'It would be a shame if we end up with registration [levels] personally affected. I think we can't put the voter off. The voter's got to find whatever system's got to be easy, quick, that's what modern life's about, isn't it, people only do things if it's easy and quick.'

38. Some LEOs pinpointed the young and students as groups where registration levels would drop the most.

'I think it's going to be very, very difficult to collect the information from all these people. I've got a 17 year old son, I can't imagine he's going to be the least bit interested in filling in a registration form to be honest. I think this voluntary element is going to mean that registration levels will drop.'

'[I]f the parent doesn't put that young person's name on the form we won't get that young person on there. And I think we're going to lose a large chunk of registration. I think we are unless it becomes compulsory or unless they begin to register from 16 onward and allow the vote from 16 onward.'

'[P]ersonally I think we will see a dip in registration. It's going to be harder to get registrations. For instance, students, who aren't always living at home, they may be living away. At the moment, the present system is, you know, the mother or father can register for them, but actually trying to capture them on an individual registration is going to be quite difficult for ourselves, and there's quite a lot of logistical problems that we're going to face on that, I think.'

39. Other LEOs suggested that IER may raise accessibility issues for non-English speaking citizens and argued that it needs to be implemented in a way that supports qualities. Under HER, co-habitant may help them with their form and this might make registration easier:

'We have got some issues in the sense that we have got quite a large black minority ethnic community, big chunks of which are not necessarily culturally attuned to the life in the UK. Many of whom don't speak English as their first language; those are all a whole host of barriers that you need to get across. It is going to be made worse with individual registration although there are some benefits to individual registration which are around postal vote fraud.'

One LEO suggested that some citizens may not be comfortable providing confidential data on the doorstep to canvassers because citizens may find canvassing for such detailed information intrusive:

'If they haven't responded, do you get their National Insurance number off them on the door step with their date of birth? A lot of people are going to say, "I'm not going to give

you my...” Somebody that’s just called round to the door, “What’s your National Insurance number, what’s your date of birth?”

40. One final strand to this theme was a concern that the new procedures may take time to embed in. According to one LEO:

‘it will take time for people to understand the difference and how to in fact do it.’

Conclusions and Recommendations:

41. This briefing has considered the likely impact of IER on British elections. It has drawn from some recently published research and interviews with LEOs.

42. The published research on election administration suggests that registration levels and voting turnout decline when additional administrative burdens are placed on citizens. This and the experience from Northern Ireland firmly suggest that there will be a decline in registration levels if IER is introduced. This would accelerate the declining rates of registration in the UK.

43. The interviews illustrate LEO views on IER and locate some possible implementation problems and effects on British elections. There is some support for the principle of IER amongst LEOs. However, there are three core concerns about its implementation.

44. Firstly, they perceive it to involve additional costs and administrative burdens. The proposals come at a time when local government budgets are being cut and election resources are not ring-fenced. **Measures should be put in place to ensure sufficient long-term funding of elections.**

45. Secondly, they expect data quality to be a key issue. The Government is already undertaking data-matching projects and the results of these should be carefully considered.

46. Thirdly, they expect registration levels to decline, especially amongst the young. Concerns about electoral participation have been frequently expressed in the UK, especially amongst this group (Tongue, 2009). If IER is introduced into the UK then there are strong arguments for monitoring registration levels closely. **It may be necessary to offset the effects of IER with other expansive methods of voter registration perhaps drawing from overseas experience.**

47. The data-matching pilots may make it easier to target those citizens who are not registered. However, it may also discourage citizens from registering to vote if they think that their name on the register will be used for other purposes. **The views of citizens towards the registration process should be carefully monitored towards the registration process through survey research once during and after the implementation of IER.**

48. The Coalition has introduced many other changes to elections in the UK. The Parliamentary Voting System and Constituencies Act, 2011 Act will require the re-drawing of all constituencies based on the number of citizens within a district. This is enormous change by itself. However, if registration levels are altered by the introduction of individual registration then this process may have to be undertaken again when the size of the new electorate is known. The 2020 general election will have a different map to 2015. The Coalition also proposes to introduce elections for Police Commissioners. This too will involve significant work and change. Overall, there is a risk of administrative overload.

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September 2011

Written evidence submitted by EURIM (The Information Society Alliance) (EA 05)

Introduction

1. EURIM (www.eurim.org.uk) is a cross-party, pan-industry policy research group concerned with the formation and scrutiny of legislation, regulation and government initiatives related to UK/EU competitiveness in the global information society and to the effective use of technology to serve society as a whole. It uses funding from its corporate and associate members to organise working groups of politicians, advisors, officials, industry, professional bodies, trade associations and interest groups. By seeking consensus and focusing on IT governance and security of information, EURIM's Information and Identity Governance Group fosters an understanding of, and highlights good practice in, information management across borders, regulations and cultures.

2. EURIM welcomes the work of the present and last governments in aiming for an improvement in the accuracy and completeness of the electoral rolls in the UK to increase registration and reduce fraud.

Implementation of Individual Electoral Registration—Findings from Overseas Research

3. We believe that the recent study on the mechanics of electoral registration systems overseas by a EURIM working group on Information Governance has important lessons for the UK regarding their use of technology and approaches towards the two key measures of an electoral register: completeness and accuracy.³ The report, *Implementation of Individual Electoral Registration – Findings from Overseas Research*, is available at: http://www.eurim.org.uk/activities/ig/1103-IVR_LessonsFromOverseas.pdf.

4. An A4 summary version with conclusions and recommendations is also available (http://www.eurim.org.uk/activities/ig/1103-IVR_LessonsFromOverseas_Summary.pdf), parts of this were referenced in the Standard Note entitled 'Individual Voter Registration' issued by the House of Commons Library (<http://www.parliament.uk/briefing-papers/SN05995>).

5. EURIM's main findings concern:

- the technical means of holding and transferring personal data between different authorities,
- how to transfer data securely,

³ Accuracy refers to the registration being that of a true identity exercising a legitimate right to vote. Completeness refers to the register having on it the maximum number of eligible people in the district.

- how to store data in a way consistent with privacy requirements,
- how current or emerging technology might help facilitate:
 - i. individuals' access to their electoral registration data;
 - ii. the process of applying to be registered;
 - iii. updating information (e.g. change of address);
 - iv. ensuring information held by an Electoral Registration Officer is accurate.

6. Two distinct trends are discernible in the responses from overseas between those countries which treat the electoral register almost exclusively for electoral purposes ('Commonwealth' or 'common law' heritage), and those that create a multi-purpose population register, either at national or municipal level ('continental' heritage).

7. All sampled common law and continental countries require proof of identity to register the voter; only the UK does not. However, only 3 out of 7 sample countries require the voter to prove identity at the polling station. This may leave open the possibility of fraudulent voting by means of personation, where an individual is legitimately registered, but his or her vote is cast by an impostor.

8. Compulsory registration does not work unless underpinned by other processes: e.g. in Australia large numbers of voters may remain unregistered.

9. Countries that operate data matching to maintain a population register, to transfer data with other public bodies, or that allow citizens to view or amend their personal data, do so through secured systems.

Conclusions and Recommendations

10. Compared with many countries, the UK's system is overdue for an overhaul. Any system of electoral registration should ensure that all personal data is properly managed and protected, and must be practical, conducive to improvements in registration levels and accuracy, and consistent with UK political tradition and culture.

11. In the UK, no proof of identity is required for registration; the voter asserts his or her own identity and the name and address are checked off by polling station staff against the roll, increasing the risk of impersonation. However, balancing the need for ID verification (by data sharing and matching etc.) with resistance to any kind of central database of

personal information presents a significant challenge. This has implications for data retention where verification of identity is used to retrospectively check for fraud.

12. We note that HMG plans to support the roll out of other channels (e.g. telephone or online) for registration, and will explore the scope for integrating electoral registration into other services. When/if online registration is implemented, the use of digital certificates by a registering elector should be the norm.

13. Data matching or data sharing with other public bodies, online or offline, should be done securely, comply with data privacy laws, and be covered by formal agreements.

14. The Government should consider the advantages or otherwise of data matching with private sector databases.

15. For expatriate electors, the Government might consider using the Foreign and Commonwealth Office's consular facilities to encourage and facilitate registration overseas.

16. ISO 27001 should be adopted in as an information security management system standard.

17. Key issues to be addressed include the timetable for change: concerns about technical issues include the funding of a new system with heavy transitional costs e.g. establishing the interface for access to DWP records for the NINO. This is a major change that cannot be accomplished cheaply; central funding should be ring-fenced.

Current and Future Activity

18. The EURIM members who organised the previous exercise are happy to consider undertaking further work in this area. For example, the Government has announced an interest in developing a market for competing service providers in this field, is keen to look at how IT and online processes can support the registration process, and how digital identity assurance might be used to verify an application to join the register. It has been suggested that it is possible to help drive efficiencies by linking programmes to encourage registration with transactions that update other publicly held personal information. The idea is superficially attractive but raises many issues, including of the "function creep" that has been a common problem with ID systems around the world, not just in the UK. It also raises issues of data and identity protection and governance that EURIM is addressing in other contexts with overlapping debates that our industry members wish to see joined up. The complexity of some of those debates are such that the benefits of any such linkage need to be carefully weighed against the risks, including of rising costs and delay.

19. EURIM met with Cabinet Office officials on 28th July 2011 to explore whether our members can provide industry assistance with data matching and established identity assurance systems for electoral registration in future. The private sector, not just the credit

reference agencies but the financial sector data transfer and trust networks (designed to quantify and pre-define liabilities around the use of eIDs issued by trusted parties to end users and relied upon by other parties) together with the various fixed and mobile communications and online communities and their customer identification services, may be able to assist in improving the quality and integrity of the electoral register. They may also be able to advise on how to build secure and sustainable systems, ensure interoperable frameworks and standards, and promote rationalisation etc.

20. EURIM notes that while the Organisation for Security and Co-operation has recommended that “Consideration should be given to introducing an identification requirement for voters when applying for registration as a safeguard against fraudulent registration”, HMG’s current intention to remove the requirement for a signature in identity verification is necessary for multi-channel registration (e.g. telephone, online). HMG maintains that the requirement does not add any significant security to an application nor is there the facility to verify the authenticity of the signature. However the legislation retains the option for a signature to be prescribed in regulations. EURIM notes that dropping this requirement will enable registrations to be made through new channels such as online or by telephone, but these need to be supported by appropriate identity assurance, including in future digitally, to verify applications to the electoral register.

21. HMG envisages that “evidence of a connection between an individual and an address should be established either by an individual responding to a direct invitation by an ERO which has been sent to a known address (for example via the current canvass process), or where an unsolicited application takes place (for example online), by the ERO seeking confirmation of registration by writing to the individual at their address”. HMG notes that it may be possible to dispense with this stage if verification of address can be carried out by other means.

22. EURIM is considering conducting a survey of its corporate and associate members specifically on Identity Assurance to identify concrete operational industry experiences in this field.

September 2011

Written evidence submitted by the Association of Electoral Administrators (EA 06)

Introduction

1. The Association of Electoral Administrators (AEA) was founded in 1987 and has since established itself as a professional body to represent the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has 1685 members, the majority of whom are employed by local authorities to provide electoral registration and election services.

2. The AEA encourages and provides education and training in electoral administration, in addition to a range of commercial and professional services.

3. The key aims of the AEA are to:

- a. contribute positively to electoral reform within the UK;
- b. foster the advancement of consistent and efficient administration of electoral registration and the conduct of elections in the UK;
- c. raise the profile of electoral administration both within the UK and internationally;
- d. enhance and maintain the AEA's reputation as the leading professional body for electoral administrators within the UK.

4. The AEA firmly supports and advocates the principle set out by Gould⁴ that in implementing changes to the electoral system the voter's interests should be considered above all other considerations.

5. In this paper we respond to the invitation by the Political and Constitutional Reform Committee (the Committee) to comment on the UK Government's proposals for the implementation of individual electoral registration as published in the White Paper and draft Bill on 30 June 2011, and on the additional draft provisions for changes to electoral administration published in a Command Paper on 13 July 2011. Finally, we offer our views on the further possible changes to electoral administration identified by the UK Government.

Key principles

6. In this paper we set out the principles and key components that we believe are essential for the successful delivery of individual electoral registration. These can be summarised as follows:

- A holistic approach to reforming the electoral system;

⁴ *Independent Review of Scottish Parliamentary and Local Government Elections*, Ron Gould, 2007.

- Timely and comprehensible legislation;
- Clarity about the purpose of electoral registration, the uses of the electoral register and electoral registration data, and wider issues of data security;
- Clear and agreed outcomes and success measures;
- Sufficient and appropriate powers for Electoral Registration Officers;
- Well-designed and effective business processes and infrastructure;
- Timely delivery of the relevant forms (both paper and electronic) in accessible formats;
- Sufficient funding and resources for electoral services to deliver the changes and the identified outcomes;
- Timely and appropriate guidance and training to support electoral administrators in delivering the new processes and procedures;
- Effective public awareness work to support eligible electors in engaging with the new registration system.

Overarching issues

7. In September 2010, the AEA welcomed the announcement by the Government of its commitment to the introduction of individual electoral registration in Great Britain. We were also pleased to note the speeding up of the timetable for its implementation.

8. We also welcomed the inclusion in the Statement by Mark Harper (on 16 September 2010) of the UK Government's intention to undertake data matching pilots to assist the transition and to test what other data might be useful to Electoral Registration Officers in creating and maintaining registers within this new system. These pilot schemes are currently ongoing with a number of electoral administrators in local authorities across Great Britain committing a significant amount of time, effort and expertise in order to ensure that they successfully deliver the learning needed to inform decisions on the future use of such data. We look forward to the evaluation of the pilot activity.

9. The AEA has long argued for the introduction of individual electoral registration in order to secure the electoral system in Great Britain. Electoral registration is the access point to the electoral system and is the foundation on which the system stands. Confidence and trust in an electoral system is a vital part of the democratic process and we believe that the work to reform electoral registration is an important step towards restoring confidence and ensuring the integrity of the electoral system as a whole.

10. The AEA is committed to working with the UK Government, the Electoral Commission and other interested parties in making individual registration a reality for electors in Great Britain. Our members clearly have a wealth of experience in administering electoral

registration and we will be keen to ensure that this expertise is used to the full in designing and implementing the new system, including making it easily accessible to and understood by the general public.

11. The primary aim of any electoral registration system is that it should create a register that is as comprehensive and as accurate as possible. Ultimately, it should underpin the principle that all those entitled to vote at elections have the opportunity to do so. The AEA believes that the proposals contained in the UK Government's White Paper represent a positive step towards achieving those aims. We welcome the opportunity to provide evidence to the Committee, and the opportunity to separately provide comments to the UK Government on its proposals as contained in the White Paper and draft Bill.

12. We do not offer in this paper detailed technical comments on the draft clauses published with the White Paper.

13. Whilst we welcome the UK Government's intention to introduce individual electoral registration in 2014, we will be monitoring very carefully the progress in terms of the delivery of the necessary legislation and consequential infrastructure to enable the implementation of this significant change. Whilst there is still time to ensure that this is delivered effectively, there is a significant amount of work to be achieved within that challenging timescale.

A holistic approach to reforming the electoral system

14. Electoral registration is the foundation for the electoral system as a whole. Changing the system for registering to vote therefore also has significant implications for other electoral processes, including notably the election timetable and postal voting, and the use of absent voting identifiers.

15. In implementing individual electoral registration, therefore, it is vital that the wider impact on the electoral process is fully considered and that any impacts and issues are addressed.

16. The AEA continues to believe⁵ the UK Government should undertake a thorough and systemic review of the electoral process in the UK that integrates with the development and implementation of the new individual electoral registration system.

Legislation

17. We welcome the opportunity for scrutiny of the draft clauses for the proposed Bill. We are keen to see at as early a stage as possible the draft regulations which will contain much of the detail of how individual electoral registration will work in practice. If these are not available at the same time as the Bill is published in the UK Parliament, we would expect to

⁵ This was the central recommendation of our 2010 report: http://www.aea-elections.co.uk/downloads/reports/aea_election_report_final_PUBLICATION.pdf

see a detailed policy statement as to what the UK Government intends to include in the proposed regulations.

18. It may seem that this is remarkably early for the detailed regulations to be available. However, it is our view that, given the scale of the work to be undertaken to deliver the necessary infrastructure including the IT, business processes, data protocols, guidance, and form design, it is essential that the draft secondary legislation is available for scrutiny whilst the Bill is still in the UK Parliament. This would enable any necessary amendments to the Bill to be brought forward if any issues requiring primary legislation are identified as a result of that scrutiny. Further, it is vital to bring into effect in sufficient time any provisions (whether in primary or secondary legislation) necessary to enable work to commence on developing and testing that infrastructure. We are pleased to note that consideration is being given to this issue by Cabinet Office officials. However, we will be monitoring timescales particularly closely for all of the reasons given above.

19. Electoral registration legislation is already extremely complex and in some cases contains anomalies such as is the case in respect of elections held during the annual canvass period. We hope that the opportunity is taken in introducing this major change to the registration system to simplify where possible and to address any anomalies. For example, the current arrangements for calculating the dates for the rolling registration process are unnecessarily complicated and would benefit from simplification.

The electoral register and data issues

20. As a matter of principle, the AEA believes that the electoral register should only be used for electoral purposes except for purposes relating to national security. It is therefore the AEA's view that the edited register should be abolished. In our response to the previous UK Government's consultation on the edited register⁶ we stated that:

“... the questions posed in this consultation paper need to be seen in the overall context of the likely effect of changing from a system of household registration to individual registration. Anything that jeopardises the smooth and effective transition from one system to another needs to be removed. The use of electoral registration data for other than election purposes is one of those obstacles.”

21. It will be essential that efforts are made to better understand the nature and extent of the public's views of the use of electoral data for commercial purposes as part of the implementation of individual electoral registration. This should include addressing issues about the security and use of personal data.

22. Whilst the AEA remains of the view that the edited register should be abolished, we recognise that the UK Government may be minded to retain it. Therefore, as a minimum the

⁶ http://www.aea-elections.co.uk/downloads/aea_response_edited_register_180210.pdf

legislation should be changed to provide an “opt in” to inclusion on that register rather than an “opt out” from automatic inclusion as is currently the case. In addition, plain language explanations as to the data protection implications of the choice being presented to electors should be included on all registration forms and materials (including any on-line application arrangements).

23. If any electoral data continues to be sold to commercial organisations, the scale of fees for the purchase of this data (whether full or edited register data) should be reviewed to more accurately reflect the cost of producing the electoral register. This is particularly relevant given the current financial situation facing public services. There should be a requirement for this income to be reinvested in the delivery of electoral registration services locally.

24. Central to the proposed system of individual electoral registration is the capture and verification of individual identifying information—specifically, the Date of Birth (DoB) and the National Insurance Number (NINo) (or alternative identification if an individual is unable or unwilling to provide this information). Quite rightly, this information will not appear on the electoral register but will be collected to enable a verification process to take place.

25. The White Paper specifically invites views on the retention period for this personal data, seeking to balance privacy and security with maintaining the quality and accuracy of the electoral register. It is proposed that the DoB is to be retained for further comparison (potentially for removing duplicate entries and/or data matching) but that the NINo is to be deleted at the end of the verification process.

26. Technically, what this will actually mean is that the paper form on which the application was submitted will have to be securely destroyed, as will the NINo data held electronically (either as a scanned image or as data otherwise captured electronically). This has implications for the design of the electoral registration software, and the forms (whether paper or electronic) on which the data is captured. These need to be carefully considered, designed and tested (see below for comments on form design).

27. There may be circumstances in which entries on the electoral register (which therefore having completed the verification process) are subject to a police investigation. These may or may not be directly linked to electoral fraud. Therefore, we believe, any considerations of retention and deletion of the NINo should take account of the views of relevant Police and Prosecution organisations.

28. However, whatever retention and deletion regime is established it should be clearly set out in regulations, and appropriate guidance and training provided to support Electoral Registration Officers in delivering their responsibilities in relation to the secure handling of personal data.

Outcomes and success measures

29. There are clear and accepted definitions of accuracy and completeness in relation to the electoral register. However, it is essential that in bringing forward this new individual system of electoral registration there is a clear and accepted statement of the desired outcomes, so that success can be measured and evaluated. These should put the elector first, be achievable, and be supported by a research strategy to ensure that robust and accepted data underpins the success measures and evaluation. For this reason, we have set out in paragraph 6 above the key principles and components we believe are essential for the successful delivery of individual electoral registration.

30. The White Paper contains a number of stated ambitions which we see as focusing on two key areas:

31. Restoring or increasing voters' confidence in the system by reducing fraud; and

32. Making the registration system more accessible, particularly to under-represented groups and to those with special requirements, including disabled people.

33. The AEA supports these aims, but we recognise that they will not be easy to balance. They are ambitious and they need to be defined in real terms for eligible electors engaging with the new system, for others with an interest in the outputs of the system (e.g. political parties, candidates and agents, elected representatives, the police, and other users of electoral register data), and for electoral administrators and suppliers in delivering the system.

34. In particular, Electoral Registration Officers and electoral administrators will need to know clearly what is being required of them, what support is available to help them achieve the desired outcomes, and how these will be measured.

Relevant powers for Electoral Registration Officers

35. It will be necessary to be clear about the extent and locus of powers and responsibilities under the new system. The White Paper clearly sets out that under an individual system of electoral registration individuals will have greater responsibility for their own registration including the choice not to engage with the process and not to register.

36. Currently, it is not compulsory to register to vote. However, it is an offence not to respond to a requisition for information by the Electoral Registration Officer. We note that this provision is to be retained for the household canvass, and that this will not apply to invitations to individuals to register. Further, we note the provision for an individual to ask not to be canvassed again during a specified period. This latter provision will need working through carefully so as not to inadvertently disenfranchise other potentially eligible electors who live at the same address.

37. In this context, it will be essential for Electoral Registration Officers to have the necessary powers to access appropriate data held by public bodies. The learning from the data matching pilots will be crucial in establishing what data may be of assistance in identifying potential eligible electors to be invited to register, as well as those who are ineligible and should not be on the register. In setting any standards and measures, it will also be important to recognise that an individual may choose not to respond to the invitation to register and/or change their decision at a later point.

Effective business processes and infrastructure

38. It will be necessary to ensure that there are clear and workable business processes that have been developed with input from electoral administrators, in addition to other interested and expert individuals and groups e.g. on accessibility and data protection.

39. We are encouraged by the level of engagement by Cabinet Office officials with electoral administrators to date and as part of the consultation period for the White Paper and draft Bill. We look forward to a continuation of this engagement.

40. Although much progress has been made, there is still a significant amount of detail to be worked through and we believe it is essential that there is clarity about the process and timescales for resolving outstanding issues.

Timely and accessible forms

41. The AEA has argued for well-designed and accessible electoral forms and materials⁷ to be developed and tested with input from electoral administrators, software and print suppliers, in addition to relevant accessibility experts and representative organisations.

42. Sufficient time should be allowed for this work to be properly completed so that the forms can be delivered in a timely manner. This is particularly vital given the potentially complex specification and requirements for the forms (in both paper and electronic formats) in terms of data capture and administrative use as indicated in paragraph 26 above.

43. At the same time the role of these forms as a key communication tool should not be underestimated. They must work for the elector and be clear and straightforward to complete.

Funding and resources

44. The move to individual electoral registration represents a transformation in the administration of electoral registration and, as such, should be sufficiently resourced and

⁷ In both our 2010 and 2011 post-election reports: http://www.aea-elections.co.uk/downloads/reports/aea_election_report_final_PUBLICATION.pdf and http://www.aea-elections.co.uk/downloads/reports/aea_election_referendum_report_2011.pdf

funded. It is our view that the successful implementation of the new system will depend on the relevant funding going directly to electoral services. Any funding needs to continue post 2015 and should not simply be seen as one-off capital funding.

Guidance and training

45. Throughout this paper we have made reference to the need for guidance and training to support the effective implementation of new processes, compliance with new requirements, particularly in respect of data management, and the development or updating (where necessary) of skills and knowledge.

46. The guidance on all aspects of the new system should be clear and accessible. If elements of the guidance are produced by different agencies to take account of specific expertise, this should be coordinated so that there is no confusion or duplication in what is delivered to electoral administrators. All guidance should be in place well in advance of the introduction of the new system so that electoral administrators can assimilate it and adapt their processes and practice accordingly.

Public information

47. Public information will play a vital role in supporting the introduction of individual electoral registration. Electoral administrators are keen to ensure that as many eligible electors as possible are included on the electoral register (if they choose to be included), particularly those individuals from specific groups where there is evidence that they are currently less likely to be registered.

48. Electoral Registration Officers currently have a duty to promote participation, and many draw on the campaigns and materials currently provided by the Electoral Commission. We support the proposal for the coordination in 2014 of a public awareness campaign with the initial 'write out' to individuals inviting them to register under the new system. The national campaign will need to be supported with materials for local use.

49. In particular, it will be important to have clear and consistent messages and explanations for electoral administrators to use when explaining the new system and in responding to enquiries.

Additional proposed changes to electoral administration

50. The UK Government has published further proposals to reform the law on three specific aspects of electoral administration, and the Committee has invited comments on these proposals. These are:

- The extension of the electoral timetable for UK Parliamentary elections, and the modification of a number of the deadlines within the timetable;

- The timing of polling district and place reviews;
- The correction of an anomaly in the legislation to enable candidates standing jointly for two or more registered political parties to use an emblem on the ballot paper.

51. The AEA welcomes the proposal to extend the statutory timetable for UK Parliamentary elections. In our 2010 report, we highlighted the difficulties for administrators, candidates and agents, and for voters of the shortness of existing timetable.

52. It will be important to work through all of the implications of the proposed changes to the deadlines within the timetable to ensure that there are no unintended and negative consequences. The impact of the introduction of individual electoral registration also needs to be factored in with the aim of ensuring a realistic timetable that is workable for voters as well as for administrators and suppliers. We will provide more detailed comments on the proposals in our response to the UK Government's consultation.

53. We welcome the proposal to modify the cycle for polling district and place reviews from four to five years commencing within sixteen months of 1 October 2013, as this addresses the issue we have raised regarding the timing of such reviews given the changes to the cycle for parliamentary boundary reviews and the proposed cycle for fixed-term Parliaments.

54. We welcome the provisions to enable candidates standing on behalf of more than one registered political party to use an emblem on the ballot paper.

Further reforms under consideration

55. The UK Government has asked for views on two further possible reforms which are not currently proposed; to alter the deadlines for postal vote applications and for appointing polling and counting agents.

56. Moving back the deadline for postal vote applications makes sense from an administrative perspective as the period from eleven days (-11) before polling day is particularly pressurised in terms of the volume of work to be achieved. However, if it is simply moved back to the same day as close of nominations (from -11 to -19) it would have the effect of simply moving the pressure point rather than providing a solution.

57. From a voter perspective, such a move would give late registrants less choice—e.g. they would have to vote in person or by proxy. Equally, if the -11 deadline for postal vote applications remains, it should be recognised that postal votes cannot be despatched until -5 at the earliest and that too has an impact on those voters.

58. We are currently considering all of these issues and will respond in more detail in our response to the UK Government's consultation.

59. Candidates are entitled to appoint polling agents and counting agents to observe proceedings during the poll and at the count as part of ensuring a transparent process in which all participants have confidence.

60. The deadline for notifying the Returning Officer in writing of these appointments is the second working day before the poll. In our report on the UK Parliamentary general election in 2010, we noted that this left very little time for Returning Officers to act on that information, to include it in the paperwork for polling station staff, to provide counting agents with details of the arrangements for the count and their entry pass or ticket, and to provide all agents with the relevant secrecy provisions.

61. These issues are important for the integrity of the process and for ensuring compliance with the secrecy provisions. Therefore we continue to recommend that the deadline is moved further in advance of polling day, e.g. five working days, as is the case with local government elections.

Conclusion

62. In conclusion, the AEA supports the move to individual electoral registration and welcomes the UK Government's commitment to its implementation in 2014. We are pleased with the UK Government's level of engagement with the AEA and with electoral administrators and we look forward to continuing the dialogue. This will be essential in terms of delivering workable and timely secondary legislation and the practical steps that will be necessary during and after the transition to the new system.

September 2011

Written evidence submitted by The Information Commissioner's Office (ICO) (EA 07)

1. The Information Commissioner has responsibility for promoting and enforcing the Data Protection Act 1998 and the Freedom of Information Act 2000. He is independent from government and promotes access to official information and the protection of personal information. The Commissioner does this by providing guidance to individuals and organisations, solving problems where he can, and taking appropriate action where the law is broken.
2. The Information Commissioner welcomes the opportunity to respond to the Government's White Paper on Individual Electoral Registration (IER).
3. The Information Commissioner's Office (ICO) is pleased to have had the opportunity to discuss this initiative with The Cabinet Office prior to the publication of this White Paper. We also welcome The Cabinet Office's intention to continue to work with the ICO as detailed plans for implementation are developed.
4. We note that work is currently being undertaken by the Electoral Commission on the accuracy of the current electoral register, the results of which will be critical in going forward with IER. We are particularly interested in the results of the current data matching pilot schemes which are due to conclude in November this year. We look forward to hearing feedback on the pilots and how the results are to be used to increase effectiveness of the initiative.
5. The Information Commissioner appreciates that moving to IER will modernise the electoral registration system and recognises the consequence for democratic legitimacy in the UK. Whilst there is significant public interest in these matters, the provisions of the Data Protection Act are relevant and our advice is given in this context.
6. The Information Commissioner's concern in relation to IER is that the proposals meet the requirements of the principles of the Data Protection Act. We would wish to emphasise that the data to be provided by the public under IER is proportionate and appropriate. Furthermore it is our understanding that in implementing IER, there will be no difference in the way the information will be held by the Electoral Registration Office (ERO) and that there is no intention to create a new national database of electors.
7. Having been invited to raise appropriate data protection issues relevant to IER at the earliest opportunity our response now to this White Paper seeks to confirm and emphasise the advice we have previously given.
8. Our comments relate to specific paragraphs as they appear in the White Paper.

Handling personal data

9. We welcome that the introduction of IER will not create a new national database of electors.

10. We understand however that under the new proposals people registering will be required to provide additional (and different) information to that currently provided, although the data included in the electoral register will remain the same. We have advised that the new arrangements should be communicated clearly and effectively in order that people understand why each item of data is required, what it will be used for and whether it will be retained by the Electoral Registration Office in their local authority. We welcome the intention to allow for alternative identification to be provided where a person may be unable to provide that first requested.

11. We are pleased to note the importance attached to the security of personal data in these proposals and welcome the commitment demonstrated by the intention to introduce a fine or custodial sentence for misuse of data.

Verification of entitlement to register

12. We note the commitment that the process for registration must remain easy to understand and universally accessible, but that it must also be sufficiently robust to tackle fraud.

13. We have advised that a clear explanation of why the new information is being collected is vital in these circumstances – it will be important to distinguish between data required for franchise and eligibility purposes and that required for verification.

14. We expect that the data to be provided by an individual will be kept to a minimum sufficient to check eligibility and ensure accuracy.

New offence

15. The Information Commissioner welcomes the creation within the initiative of a new offence relating to the disclosure of any information provided for verification purposes, either by the applicant or another authority in response to a verification check.

Checking nationality

16. The Information Commissioner recognises that where necessary ERO have a right to check nationality in order to establish entitlement to registration. We would advise that any checks should be conducted in a manner that is proportionate and undertaken only where necessary.

Destruction of records

17. The Information Commissioner is please to note the intention to create regulations governing the retention and destruction of records associated with IER to ensure that personal data is not held for longer than needed.

18. We expect that guidance will be provided to all authorities involved in IER to support the regulations to ensure that they all understand the processes and procedures and their own obligations in this respect.

19. At this point the Information Commissioner wishes to recommend guidance should also be produced for those required to deliver IER that includes

- Who is the data controller
- Who is responsible for the collection and transmission of the data
- Which authority is responsible for notifying the ICO in response to a data breach

20. The Information Commissioner welcomes the undertaking to continued engagement with stakeholders on IER to ensure the security of personal data in this new electoral procedure and looks forward to working with The Cabinet Office on this initiative in the future.

September 2011

Written evidence submitted by The Credit Services Association (CSA) (EA 08)

1. The Credit Services Association (CSA) is the only national association in the UK for businesses specialising in debt recovery, tracing and related services. It also incorporates the Debt Buyers & Sellers Group (DBSG), with members ranging from high street banks to credit reference agencies and debt buyers. Our aim is to continually develop and uphold the highest professional standards across the credit industry.

Comments in response to the Call for evidence: The Government's proposals on Individual Electoral Registration

2. The CSA is in favour of Individual Electoral Registration.

3. Clause 1 does provide an appropriate legislative basis for introducing IER.

4. The proposed clause 1(2)(b) does provide for flexibility for any application to be made in any manner that is pre-scribed. The flexibility is dependent upon the appropriate authority remaining abreast of technology and making the order pre-scribing the acceptable manner of the application.

5. The verification of the address should in our view form part of the registration process. We think this is an opportunity to create an accurate record for the electoral system and the address information should be confirmed by the individual until such times that other means are available.

6. In line with a desire to see a robust and accurate system, we believe that the confirmation of individual nationality would enhance the accuracy of such a system. As such we are sceptical as to whether or not the current system is sufficient; hence we welcome any proposal that improves the situation.

7. It is unlikely, in our view, that the system will be perfect from day one. Consequently we believe that it is sensible to begin the transition to IER sooner rather than later. This would allow any flaws in the system to be addressed prior to the General Election in 2015.

8. We believe that the proposed approach will lead to a reduction in financial crime, in particular fraud. In our view any proposal that will result in a reduction of financial crime is to be welcomed. Therefore we believe that additional thought should be given to the non-mandatory approach. We accept that individuals may decline to provide additional information as there appears to be a reluctance to provide information to the state. This might be overcome if the provision of this information were to be compulsory.

9. Research from the Electoral Commission has found that appearing on the register was popular where it could be demonstrated that this assisted with the prevention of ID fraud. This is clearly relevant when the registers are used by the credit reference agencies in the granting of credit to individuals. **There is an argument that because not all financial crime occurs at point where credit is granted, but during the lifecycle of a credit agreement, use**

of the register should be permitted throughout the lifetime of the agreement. This would reduce the amount of bad debt within the economy and should ultimately reduce costs.

September 2011

Written evidence submitted by 192.com (EA 09)

Summary

1. 192.com is the UK's largest people finding website, and the owner of 192business, the leading UK provider of ID verification solutions to prevent online credit card fraud. It is used by 8 million people every month in the UK. 192.com was the first company to offer the Electoral Register to consumers in digital form. 192.com works closely with the Information Commissioner's Office to ensure that data protection principles are respected and that data is published in a responsible way. 192business provides services to the e-commerce industry to prevent credit card and ID fraud, for anti-money laundering checks and to verify age in the sale of age-restricted goods and services such as online gambling and alcohol. The electoral Register is an essential tool in this activity.

2. 192.com supports the proposals set out in the Cabinet Office's consultation to accelerate the introduction of Individual Electoral Registration (IER). 192.com welcomes the Government's reassurance that during the first year of the switchover process, no household or individual details will be removed from the Electoral Register.

3. 192.com has an active interest in the IER proposals with any changes in the registration process having a direct impact on the Electoral Register and the Edited Register. This data is vital to the services 192.com offers to business and consumer customers, charities and individuals.

4. The Edited Register is a national resource that plays a valuable social and economic role in the United Kingdom. As the UK's only consented national database it is the most comprehensive and updated source of name and address data and is used to support a range of important activities by business, government, charities and individuals.

5. The Edited Register has significant social and economic benefits. Businesses rely on it to verify potential suppliers and customers, tackle credit card fraud, meet obligations where supplying age-restricted goods or when tracing debtors. For charities, it helps reunite lost friends and families (including 3,000 found annually by the Salvation Army), underpins locating and connecting organ donors, locating natural parents of adoptees and supports fundraising. Local government relies on it for purposes not permitted with the Full Register

such as debt recovery. Individuals rely on it for finding lost family members and for building trust in strangers that they are about to transact with.

6. The introduction of IER offers an important opportunity to enhance the collection and administration of voter registration and, concomitantly, improve the Edited Register by ensuring citizens are given an annual choice on whether to opt-out and improving consent through standardised guidance.

7. The majority of citizens favour all uses of the Edited Register except for direct marketing. The introduction of IER provides an opportunity to address this concern by promoting the Mail Preference Service (MPS) on the canvass form as the only effective way to opt-out from receiving direct marketing.

8. Alongside the economic and socially damaging consequences of abolishing the Edited Register there are significant risks associated with restricting the use of this consented and regulated database as the massive demand for people-finding is met through alternative unlawful sources.

9. The Coalition Government has identified the potential of data held by the public sector to generate economic growth and improve transparency. The Edited Register is a prime example of the economic and social benefits that can be generated from consented release of public data.

Why maintain the Edited Electoral Register?

10. 192.com welcomes the Government's draft proposals on IER and strongly supports the central premise set out in the draft legislation by the Cabinet Office giving the decision on registration and voting rights to the individual rather than the 'head' of the household. The move to IER offers an important opportunity to improve the collection and administration of voter registration and, concomitantly, improve consent.

11. The Edited Register came into being in 2002 after the court decision in the Robertson case⁸, so that the valuable data on the register would continue to be available to serve important purposes whilst giving proper consideration to the privacy of individuals who did not wish their data to be used for other purposes. At that time, it was decided to create a new

⁸ Robertson v Wakefield Metropolitan Council

Edited Register to allow these uses to continue whilst providing people with the right to opt-out.

12. The Edited Register is a national resource that plays a valuable social and economic role in the United Kingdom. It is the UK's only large scale, consented, source of name and address data.

13. The previous Government launched a Consultation regarding the future of the Edited Register. This sprang solely from a claim by electoral administrators that the existence of the Edited Register acts as a disincentive for people to register to vote. When challenged through FOI requests, not a single electoral roll officer was able to offer any evidence of this assertion. Indeed some commented that they thought it acted as an incentive for some people to register.

14. It assists businesses to reduce exposure to credit card and identity fraud, meet age-verification obligations, conduct due diligence and pursue bad debts and supports the reunification of dormant financial assets with their owners. 192.com services small businesses that are unable to access CRA data; 97% of businesses, employing 60% of the private sector work force are small.

15. It facilitates the successful tracing of thousands of missing persons each year to reunite families and friends by charities and individuals. One division of the Salvation Army alone made 3,000 such reconnections last year and reports that people finding websites were indispensable in as many as 80% of the cases.⁹ Furthermore, it is an essential tool in charitable activity to find and connect organ donors, enables the work of adoption organisations, as well as supporting fundraising.

16. Local government relies on it for purposes not permitted with the Full Register such as debt recovery. If the Edited Register were to be abolished, local authorities would suffer a significant loss in revenue or, if use of the Full Register were to be extended, the Government would likely face challenges under the Human Rights act for forcing people to register to vote whilst using their data for non-consented purposes.

⁹ An input to a full impact assessment on abolition of the Edited Electoral Register *Europe Economics* 31 March 2011

17. Individuals rely on it for finding lost family members and for building trust in strangers that they are about to transact with. In an increasingly online world millions of people transact with people that they have never met and where they need a way of building confidence that the person is who they say they are. Reference to public datasets is invaluable for this purpose.

18. Independent opinion research demonstrates public support for the Edited Register with only 2.5 % not supporting its continuation.¹⁰ It is important that the transition to IER reflects the strong level of support.

19. Research by Europe Economics found that there would be “very considerable adverse economic effects together with social impact” if the Edited Register were abolished. It found that abolition would cost the economy between £6.7bn-£13.5bn over 10 years.¹¹ In addition it estimated that the number of foregone family reunifications over the next ten years would range between 367,696 and 1,451,164. It is important to use the transition to IER to embed best practice in the registration process to increase the benefits of this dataset. 192.com’s modelling shows that, but for pejorative practices conducted by the majority of electoral administrators, at least 73% of the UK population would have consented to inclusion on the Edited Register, dramatically increasing the inherent value of the Edited Register data to users of this data including charities, local authorities and businesses.¹²

20. Ending pre-ticking and techniques to encourage opt-out would have a significant economic impact. Europe Economics found that the cost to the economy of abolishing the Edited Register in a scenario where pre-ticking has ended would be £11.6bn-£13.5bn compared to £6.7bn-£7.8bn where pre-ticking continued and trends on opt-out levels were maintained.¹³ This recognises that an Edited Register without pre-ticking would be £4.9-5.7bn more valuable to the economy over the next 10 years than an Edited Register with pre-ticking continued.

21. The Edited Register performs a vital role in meeting the ongoing demand for data through a regulated system. An independent review of the direct and indirect effects of

¹⁰ Survey conducted in Feb 2010 by Opinion Matters see Annex 1, I-CD Publishing response to MoJ Electoral Register Consultation CP 46/09 Feb 2010

¹¹ An input to a full impact assessment on abolition of the Edited Electoral Register, *Europe Economics* 31 March 2011

¹² I-CD Publishing Response to MoJ Electoral Registers Consultation CP 46/09 February 2010 paras 143-6

¹³ An input to a full impact assessment on abolition of the Edited Electoral Register *Europe Economics* 31 March 2011

abolition of the Edited Register identified that the following impacted parties would express a demand for alternative data sources in the event that the it becomes less effective:¹⁴

- Asset reunification services as the costs of tracing without the Edited Register would increase by 300% making smaller companies struggle to survive.
- Debt collection services because collecting smaller debts would become uneconomic which would mean loss of business.
- Direct marketing firms and fundraising charities because the costs incurred by marketing companies could be as high as £365 million.
- About 13% of the UK adult population involved in genealogy as they would remain interested in the family history research.
- About 9 million unique users per month of people finding websites because they would still seek services that would help them verify strangers or trace old friends and family.

22. This demand would be impossible to meet with current legal data sources, such as the Phonebook or the database of UK company directors, as these are too small and the Phonebook cannot be searched nationally. Social networks, such as Facebook, are not an effective replacement because: i) they do not provide addresses so lack a geographic context, ii) profiles are easily invented (they are not formal records); and iii) coverage is skewed towards the younger generation.

23. If the demand for people-finding is not met through a consented and regulated database it will lead to an inevitable increase in unlawful data. Three potential supply routes to an illegal market in data to meet the continuing demand include:

- Data misuse—research found that 71.2% of local authorities who responded to FOI requests admitted to using the Full Register for issues considered by Hugh Tomlinson QC to be unlawful including assessing benefits and tracing parking fines¹⁵.
- Full Register access—copies of the Full Register could be disclosed by sources and organisations that have legitimate access to the data to those that do not. The

¹⁴ Ibid

¹⁵ Rumbled: the councils that don't register they are breaking the law *Parliamentary Brief* 28 April 2011

potential for misuse is clear from FOI responses—only 32% of local authorities required employees to sign undertaking even though the Electoral Commission advised councils to implement this procedure; only 14% logged searches; and only 6% had carried out an audit in the last year to check usage logs¹⁶.

- Marketing data—offshore sources already offer unconsented databases of marketing data and this practice would increase in a landscape where there was no regulated onshore competition. This data would not only be data that was collected for other purposes but would include many people that would have opted out of the Edited Register. These sites would be outside the reach of the ICO, a point of real concern that has been expressed by the ICO.

Ultimately, those that have a strong desire for privacy will have their wishes abused and the Government may face criticism for failing to safeguard personal data.

Role of IER in improving the EER

24. The Government can utilise the introduction of IER to improve the quality of the Edited Register in support of the benefits outlined above. This will involve addressing some of the systematic practices that have been used by the overwhelming majority of electoral administrators to achieve increased opt-out rates.

25. Foremost among these is the practice of pre-ticking the canvass form for people that have previously opted-out. Rather than give citizens an annual choice a number of electoral administrators admit that if a person has previously opted-out of the Edited Register the canvass form is pre-printed with an opt-out tick. This is despite clear guidance from the Electoral Commission that pre-ticking is a breach of regulations.¹⁷ The effect of this policy is clear: opt-out rates for councils that pre-tick are around 47% compared to just 27% for those that do not pre-tick.¹⁸

26. If the majority of electoral administrators had not ignored Electoral Commission advice then all the evidence suggests that the Edited Register would now be growing in size as more and more people became comfortable with its use. In June 2010 the AEA finally advised its

¹⁶ Ibid

¹⁷ Managing Electoral Registration in Great Britain, Guidance for EROs *Electoral Commission* Part C, Paras 130-1 http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/42927/Full-ERO-FINAL_amended_March_2010_v2.pdf

¹⁸ I-CD Publishing response to MoJ Electoral Register Consultation CP 46/09, para. 143 February 2010

members that the practice is illegal. Nonetheless it is for each electoral administrator to make a decision: to remove any doubt the Government should take immediate action to ban the practice of pre-ticking.

27. Opinion research clearly shows that a majority of consumers favour all uses of the Edited Register except direct marketing. 72% of those people that had opted out had done so in order to avoid direct marketing.¹⁹ This reflects that the current Canvass Form and guidance notes to the public consistently focus on the use of the Edited Register for direct marketing giving the false impression that opting out will prevent direct mail when it will not.

28. The introduction of IER provides an opportunity to address this concern by promoting the MPS on the canvass form as the only effective way to opt-out from receiving direct marketing. The Direct Marketing Association operates MPS because it positively removes those people who do not want to receive direct marketing. These people are unlikely to respond positively to direct marketing and MPS allows it to be more targeted and to operate more efficiently.

29. Currently only Direct Marketing Association members are obliged to use MPS to suppress those addresses that do not wish to receive direct mail. A statutory obligation could be placed on all direct marketing companies to make use of the MPS, rather than just the proportion of industry signed up to a professional Code of Conduct.

Use IER implementation to improve consent

30. As the only consented national database in the UK it is essential that the shift to IER is used to enhance citizen confidence in the Edited Register. The accelerated introduction of IER will enhance the completeness and integrity of the Electoral Register. 192.com supports the proposals to require each elector to register to vote individually rather than by household. This will provide the opportunity for each individual to make an informed choice on whether to opt-out of the Register, rather than leaving the choice to whoever responds on behalf of the household as is presently the case.

31. It is clear that the language on canvass forms and guidance given by electoral administrators is inaccurate²⁰, fails to properly inform the public of the purposes to which

¹⁹ Ibid, Annex 1 Q4

²⁰ Ibid paras 144-146

the Edited Register might be put (not least the positive uses) and thereby misleads the public. For example, the current statutory wording says the Edited Register can “be used for any purpose ...by any person, company or organisation”. This is inaccurate as any user has to be a registered data controller under the Data Protection Act 1998 and it may only be used for any purpose that is permitted under the DPA. In addition, the layout of the canvass form varies across local authorities.

32. The introduction of IER provides an opportunity to address the significant variation in the canvass form and guidance notes. The public would benefit from the introduction of clearer, more accurate and more balanced wording allowing a properly informed choice to be made. 192.com therefore welcomes the proposal for legislation to require EROs to provide potential electors with canvass forms that are of a consistent standard designed by the Electoral Commission, or such manner as may be prescribed, as this would enhance integrity in the electoral system. All written communication with voters affecting the Edited Register should be standardised.

33. In implementing IER the Government should ensure canvass forms address the following consistently:

- make clear that the Edited Register only contains an individual’s name and address and will not include any of the personal information required as part of the IER (such as National Insurance number);
- explain the benefits of being on the Edited Register such as improving credit rating, and making it easier to buy goods and services on-line to address years of consistently misleading information;
- reassure citizens that their information will only be used in accordance with the highest standards of data protection principles. The data may only be used by companies registered with the Information Commissioner’s Office and within the provisions of the Data Protection Act;
- signpost citizens to the MPS as the way to opt-out from receiving direct mail.

Maintaining opt-out as default option

34. The Edited Register was created following the Robertson decision to allow households to make an informed decision on whether their details should be available; the right to “opt-out” protects their right to privacy while maintaining the effectiveness of the Edited Register.

35. One of the options put forward by the last Government was to move from the current opt-out system to an opt-in system. Inevitably, this will lead to a significant further drop in the size of the Edited Register thus reducing its economic and social value.

36. Behavioural economics explains how people act in response to an opt-in mechanism compared to an opt-out model. A Cabinet Office commissioned report explained: *“Many decisions we take every day have a default option, whether we recognise it or not. Defaults are the options that are pre-selected if an individual does not make an active choice. Defaults exert influence as individuals regularly accept whatever the default setting is, even if it has significant consequences.”*²¹

37. In the context of Edited Register those people with a strong desire to privacy will ensure they are not listed and those with a strong desire to be listed will ensure that they are. But there is a large group whose natural inclination leads them to adopt the default position. The Government’s Behavioural Insights Team has accepted this noting *“A key insight from behavioural science is the tendency of individuals to go with the flow of pre-set options, or defaults...”*²²

38. This can be illustrated with reference to organ donation mechanisms: where countries operate presumed consent the numbers of people registered to donate are dramatically higher than in those that operate an opt-in model.²³

39. In framing public policy government should seek to structure the default option to maximise benefits for citizens which can influence behaviour without restricting individual choice. In the case of the Edited Register, it is clear there are significant economic and social benefits. If government accepts that the availability of a national database of names and addresses is beneficial to society, it should retain the “opt-out” mechanism, the same as the Phone Book.

²¹ Mindspace - Influencing behaviour through public policy *Institute for Government* March 2010

²² Behaviour Change and Energy Use *Cabinet Office* July 2011 p.23

²³ Ibid p.23

40. Despite the clear evidence of public support for continuation of the Edited Register, behavioural theory indicates strongly that moving to an opt-in system would „kill“ the effectiveness of the Edited Register. All of the economic and social benefits enabled by the Edited Register depend upon a critical mass of users. Because the majority would tend to follow the default option, an opt-in system would ensure that critical mass is lost.

41. For eight years voters have been presented with an opt-out box on the canvass form. Reversing this mechanism by changing it to an opt-in will create further confusion at a time of significant change with the introduction of IER. People that have previously opted out will opt back in because they expect the tick box to mean the same as before, and many of those that previously decided to be on the register by not ticking will effectively remove themselves. Any resulting confusion may undermine the shift to IER.

42. If, as a result of an opt-in mechanism being introduced, the number of people on the Edited Register drops dramatically, there are implications for the revenue earning opportunity for local authorities. In the event of a smaller Edited Register, the Electoral Administrators will be faced with the same cost and workload to create it but will not receive the rewards that could be made available. Moreover the broader opportunities, identified by the Government’s focus on open data, to generate economic value by access to this resource will be significantly undermined.

43. For this and many other reasons, if the Edited Register is retained it should remain an opt-out system thereby maximising the size of the database and the benefits that can be derived by society and the economy.

September 2011

Written evidence submitted by The Electoral Commission (EA 10)

1. The Electoral Commission is an independent body set up by the UK Parliament. Our aim is to instil integrity and public confidence in the democratic process. Our key objectives are to ensure:

- Transparency in party and election finance, with high levels of compliance
- Well-run elections, referendums and electoral registration

2. This submission sets out our initial views on the Government's White Paper and draft legislation on individual electoral registration (IER). The Commission supports changing the way we register to vote to IER because it is important to give individuals responsibility for their own right to vote (rather than leaving this to a 'head of household'). IER should also make the electoral register more secure. We welcome the pre-legislative scrutiny of IER and the opportunity to give evidence to the Political and Constitutional Reform Committee and are pleased that the Government's plans for a fundamental change to the way we register to vote are being carefully scrutinised by Parliament.

3. We have a number of recommendations regarding the Government's proposals that are set out below. In addition to this we have outlined our current, detailed views on the Government's White Paper which the Committee may wish to consider as part of its enquiry.

4. The Commission will be responding directly to the Government's White Paper by 14 October and therefore our views may have developed further by this time.

Summary of recommendations

The electoral register in context

5. The Government and Parliament must consider the impact of how changes to the electoral registration process are made, not just on the registers' role in establishing people's right to vote, but also their role in other public procedures—most importantly, their use as the basis for drawing constituency boundaries and selecting juries.

6. The edited register should be abolished, as we argued in response to the Government's consultation in 2010.²⁴

7. The system must be implemented consistently across Great Britain. Electors should receive a consistently high quality of service, wherever they live. The Commission stands ready to support consistent, high quality implementation through expert advice on how the processes should work (including for example how registration forms can be designed to be as accessible as possible), and by setting performance standards for, and offering advice and guidance to, Electoral Registration Officers (EROs).

8. However, given the significance of this change, the Government should consider ensuring that the Commission is able – as a last resort – to require EROs to implement the change to IER consistently with their colleagues across Great Britain.

9. People are concerned about the uses to which any personal data they supply, may be put. When the Government introduces the primary legislation on which it is now consulting, it should also outline in detail the safeguards for personal data that will be in place under IER.

Improving accuracy

10. The Government should confirm, based on consultation with the relevant experts, that not including a person's signature among the personal identifiers they must provide as part of their application to register will not compromise the security of the system, or the ability to investigate and deal with potentially fraudulent registrations.

11. The system must ensure that duplicate entries can be detected and ineligible duplicate entries, removed. The Government should begin consulting on potential solutions (including their implementation timescales, and costs) by the end of 2011 at the latest.

Maintaining completeness

12. The Government should amend the approach to building electoral registers for the first time under IER in 2014 - to ensure that the risks of 'missing' people who are not already on an electoral register, or those who have moved since the previous canvass, are minimised.

²⁴ Electoral Commission (2010) Response to the Ministry of Justice consultation *Electoral Registers: Proposed Changes to the Edited Register*

(http://www.electoralcommission.org.uk/__data/assets/pdf_file/0005/86927/Response-to-the-Ministry-of-Justice-consultation-final.pdf)

13. The Government should re-consider its proposal that people who do not wish to join an electoral register should be given a simple ‘tick-box’ option to avoid being ‘chased up’ during the following 12 months. Great Britain currently has a relatively high rate of electoral registration, and this supports other roles of electoral registers alongside establishing people’s right to vote (see above); allowing people to opt out of electoral registration so easily brings significant risks in this wider context, and should not be introduced as part of the transition to IER, when there is already a significant challenge in ensuring that the completeness of electoral registers is maintained.

14. Both the transition to IER, and the IER system itself, must be designed – on the basis of thorough testing - to be as accessible as possible, particularly for those people who may find the system more difficult. No one should lose their right to vote because the system is too complicated.

15. The first round of invitations to people to register under the IER system should be timed to take place during a designated time period across Great Britain, to enable maximum impact for supporting nationwide public awareness campaigns.

Implementation

16. This is a very significant change. It will need significant planning and resources, during a period when local electoral registration teams are expecting significant reductions in their resources. The Government should publish a detailed implementation plan alongside the introduction of legislation for IER to Parliament, so that EROs, suppliers and the Electoral Commission can provide more detailed scrutiny and advice to Parliament about the feasibility of the Government’s proposals.

17. As well as the changes to primary legislation set out in draft alongside the White Paper, a significant amount of detail will need to be set out in secondary legislation. Without this detail, it will not be possible for the EROs who will be responsible for implementing the change to make a proper assessment of its feasibility, and whether the resources to be provided are adequate. The Government should therefore publish this secondary legislation in draft, at the same time as it publishes the primary legislation on which it is now consulting.

18. The Government must ensure that adequate resources and other support reach EROs when they are needed to ensure effective implementation.

Background, context and principles

The electoral registration process

19. The electoral registration process underpins the right to vote in elections. Our electoral registers are a record of the names and addresses of everyone eligible to vote in elections held in Great Britain: to vote at an election, an individual must be listed on the electoral register at the address where they are currently resident. People who are not on the electoral register cannot vote. The last date for applying to be included on the register for a particular election is 11 working days before polling day.

Accuracy and completeness

20. In the early 2000s the Commission estimated completeness of the registers in England and Wales at 91%. Although not directly comparable, this figure was broadly in line with reported estimates for Canada, New Zealand and France, and significantly above that for the USA.²⁵

21. As of 1 December 2010 there were approximately 46 million entries on electoral registers in Great Britain.²⁶ Based on data supplied by EROs, we estimate that approximately 5 million entries in electoral registers are changed (including new electors and home movers, for example) each year.

22. In the period between the ‘annual canvass’ that refreshes electoral registers each year, their accuracy tends to decline. Research by the Commission in 2010 indicated that the accuracy and completeness of an average electoral register will decline by around one per cent each month after it is published in December each year—although this will vary depending on the characteristics of the area.²⁷

²⁵ The Electoral Commission (2010) *The completeness and accuracy of electoral registers in Great Britain* (http://www.electoralcommission.org.uk/_data/assets/pdf_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf)

²⁶ Office for National Statistics *UK electoral statistics 2010*.

²⁷ The Electoral Commission (2005) *Understanding electoral registration: the extent and nature of non-registration in Britain* (http://www.electoralcommission.org.uk/_data/assets/pdf_file/0020/47252/Undreg-FINAL_18366-13545_E_N_S_W_.pdf)

The Electoral Commission (2010) *The completeness and accuracy of electoral registers in Great Britain* (http://www.electoralcommission.org.uk/_data/assets/pdf_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf)

Estimated cost of electoral registration process

23. We estimate that approximately £83m per year is spent on the registration process in Great Britain.²⁸

The annual canvass

24. The annual canvass of households, held each autumn across Great Britain, is intended to help ensure that the registers remain as accurate and complete as possible. The annual canvass is responsible for the vast majority of the approximately 5 million changes to entries on the electoral registers each year.

25. No evidence (e.g. of age, nationality or residence) is currently required to support the information included on the electoral register—although the ERO may request further information—including evidence about age and nationality—if they have any doubts about a person’s eligibility to be on the electoral register.

26. According to our public opinion survey findings, only 56% are confident the system prevents people who should not be on the register from registering.²⁹

‘Rolling registration’

27. If an eligible elector has not been included on the register following the annual canvass, or if someone changes address after the canvass has taken place, they can complete a ‘**rolling registration**’ form and submit it to the ERO for the local authority area in which they live. Changes made through this route appear on the next monthly update of the electoral register.

28. Based on data provided by EROs in Great Britain, we estimate that between 2% and 3% of entries in electoral registers are changed (either through addition or deletion) as a result of applications made through the rolling registration process between December and August each year.

Inspecting other records

²⁸ The Electoral Commission (2010) *The cost of electoral administration in Great Britain: Financial information survey 2007-08 and 2008-09* (http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/99645/The-cost-of-Electoral-Administration-FINAL.pdf)

²⁹ ICM (December 2010) *Electoral Commission winter tracker survey*.

29. EROs are also able to update their electoral registers based on their inspection of other records. They have a power to inspect any records—including Council Tax records—kept by the local authority which appointed them (or its service providers); and records (for example, notices of deaths) held by the local registrar. EROs can also require any person or organisation—including housing associations, private landlords, universities and colleges, among others—to give information needed for the purposes of their duty to maintain their electoral registers. Any inspection should comply with the Data Protection Act 1998.

30. We are aware from our performance standards monitoring that EROs do not necessarily use these powers consistently, and that some EROs do not make full use of the power to inspect all relevant records.

Uses of the electoral register

31. As well as providing a list of people who are eligible to vote at elections, electoral registers are used for other public purposes. Candidates and political parties are entitled to copies, to assist in campaigning, completing nomination papers and checking the permissibility of donations (the Electoral Commission is also entitled to receive copies of electoral registers to assist with its compliance role in checking donations).

32. Electoral registers are also used as the basis for ensuring representative democracy. Numbers of registered electors are used by the various boundary commissions to calculate electoral quotas when they review Parliamentary and local government boundaries.

33. Electoral registers are used as the basis for selecting people to undertake jury service.

34. Electoral registers may also be used for certain specified law enforcement and crime prevention purposes.

35. Credit reference agencies may purchase complete copies of electoral registers, which they use to confirm addresses supplied by applicants for bank accounts, credit cards, personal loans and mortgages.

36. 'Edited' electoral registers are available for purchase for any use—such as direct mailing or the construction of sampling frames for large-scale surveys—but any elector may choose to 'opt out' of inclusion on the edited register.

37. Complete electoral registers that are more than 10 years old may be supplied for research purposes under certain circumstances.

Northern Ireland

38. Northern Ireland moved from a system of 'household registration' (similar to the system still used in Great Britain) to a system of IER in 2002, following widespread concerns about the vulnerability of the electoral registration system to fraud.

39. Electors in Northern Ireland are required to register on an individual basis and provide certain personal identifiers in the form of their date of birth, National Insurance Number and signature.

40. Voters in Northern Ireland are also—unlike voters in Great Britain—required to produce a specified form of photographic identification at polling stations before being issued with a ballot paper. They may also have their date of birth checked against the record on the electoral register.

41. When the first electoral register compiled under IER was published in Northern Ireland in December 2002, it contained approximately 120,000 (10%) fewer names than the final register compiled under household registration in August 2002. An analysis of the drop in numbers concluded that it was largely explained by the removal of duplicate names that had been contained in the household register. Other factors that may help explain the reduction include the impact on particular socio-economic groups, disengagement from the political process and a lack of awareness of the new arrangements.

42. However, another feature of the move to IER in Northern Ireland was the removal of a provision which existed before December 2002, for the names of those who did not complete an annual household canvass form to be 'carried forward' on the electoral register for one year. Analysis suggested that the removal of the 'carry forward', while usefully removing ineligible names from the electoral register, also meant that some eligible people were lost from the register (although research carried out at the time was unable to quantify the proportion of ineligible to eligible entries removed).

43. Following concerns in Northern Ireland that, having moved to IER, people were reluctant to re-confirm their details every year, the requirement to hold a household canvass every year in Northern Ireland was removed in 2006, in favour of an approach known as 'continuous

registration'. This means that, once an individual elector has provided the identification information required to be registered, they are not asked to re-supply that information again unless they have changed address. It also means that the Chief Electoral Officer must use other mechanisms—data matching and local outreach programmes, for example—to identify new electors and those who have changed address.

Why change is needed

44. The Electoral Commission has been recommending since 2003 that a system of IER be introduced in Great Britain, principally because the current household registration system is vulnerable to fraud as there is no requirement to provide any evidence of an individual's identity to register to vote.³⁰

45. Great Britain's system of electoral registration has remained largely the same since the Victorian period, and is one of the only systems in the world not based on registration by individuals. Instead, one person in each household is responsible for registering everyone else living at that address—they may fill the form in accurately for the whole house, they might miss off someone who should be registered or add an entry which may not be valid. The system is out-dated, not reflecting today's reality.

46. But there is another reason to change the system. 'Household' registration system means there is no personal ownership by citizens of a fundamental aspect of their participation in our democracy—their right to vote. This is too important to be left for anybody other than the individual citizen to register.

47. Others, including the European Commission for Democracy through Law (the Venice Commission), the Committee on Standards in Public Life (CSPL), the Joseph Rowntree Reform Trust, the Association of Electoral Administrators (AEA) and the Society for Local Authority Chief Executives (SOLACE) and the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) have expressed support for the introduction of IER and/or a requirement for identification as part of the registration process in Great Britain.

48. Research shows that there are real problems with the **accuracy** of our electoral registers. The Commission's 2010 case study research showed that the overwhelming cause of

³⁰ The Electoral Commission (2003) *The electoral registration process* (http://www.electoralcommission.org.uk/data/assets/electoral_commission_pdf_file/0015/16053/Registration_9799-7973_ENSW.pdf)

inaccurate entries on registers was where electors had moved home and not informed the relevant ERO.³¹

49. Although data for the early 2000s suggested that overall levels of **completeness** for electoral registers in Great Britain were broadly similar to those of other comparable democracies, our 2005 report *Understanding electoral registration* showed that 8-9 per cent of the eligible population in England and Wales were not registered in 2000. This would have been equivalent to 3.5 million people at that time. Comparable data was not available for Scotland.

50. The Electoral Commission, funded by the Cabinet Office, is currently working on a project designed to provide an updated, nationally-representative estimate of the accuracy and completeness of the electoral registers in Great Britain. The findings from this study are due in December 2011.

51. The consequences of inaccurate and incomplete electoral registers are that:

- People cannot vote (or are wrongly registered at a polling station perhaps miles from their new home)
- People are not contacted by candidates and political parties campaigning during an election; or, campaigners find themselves writing to, or visiting, people who are no longer there
- People are not counted in setting boundaries
- People are not summoned for jury service
- There are opportunities for people's votes to be 'stolen' if someone uses an old entry on the register to vote in the name of someone who has moved away

52. And people who, though eligible, are not on electoral registers, are not spread evenly across society and across Great Britain. Under-registration and inaccuracy are closely associated with the social groups most likely to move home. Particular groups are more likely not to be on the register and include:

- Young people (17-24 year olds)
- Private sector tenants

³¹ The Electoral Commission (2010) *The completeness and accuracy of electoral registers in Great Britain* (http://www.electoralcommission.org.uk/_data/assets/pdf_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf)

- Black and minority ethnic British residents.³²

53. The Electoral Commission is clear that introducing IER is the right thing to do, because of the need:

- to improve the security of the system, making it less vulnerable to fraud
- to recognise people's personal responsibility for this important stake in our democracy
- for a system that people recognise as up-to-date, not rooted in Victorian ideas about households and 'heads of household'

54. But this means that:

- We must ensure that IER really does ensure much greater **accuracy**—any new system must deal especially with the issue of home-movers, which means dealing with duplicate entries.
- We must not lose the strengths of the current system in terms of **completeness**—the current annual canvass approach produces high levels of completeness.
- We must be especially careful to design a transition process that ensures that eligible people who are currently on the register, but only because someone else has entered them, do not drop off the register simply because they are not used to, or have problems with, the registration process.
- We agree with the Government that we should take opportunities to find new ways to reach people who are not currently on the register, and give them the chance to register.
- We must reassure people that the personal data they will be asked to provide, will be kept safe.

³² The Electoral Commission (2005) *Understanding electoral registration: the extent and nature of non-registration in Britain*(http://www.electoralcommission.org.uk/_data/assets/pdf_file/0020/47252/Undreg-FINAL_18366-13545_ENSW.pdf)

The Electoral Commission (2010) *The completeness and accuracy of electoral registers in Great Britain* (http://www.electoralcommission.org.uk/_data/assets/pdf_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf)

55. Moving to IER is absolutely right. But we have stressed all along that this is a significant change to the system of registering to vote. It carries significant risks and so it needs to be carefully managed.

Principles

56. In June 2010 the Electoral Commission published principles which we believe should underpin the changes to the registration system. These principles – outlined below—are informed by the need to ensure that the move to IER is managed carefully and implemented in a way which recognises the fundamental importance of voters participating in electoral and democratic processes, and being able to trust the way our elections work.

- The system should not prevent anyone who is eligible to take part in elections in Great Britain from registering to vote
- The system should ensure that anyone who is not eligible to vote is not included in an electoral register
- These changes to the system should be easily explained to, and understood by, electors
- The system should ensure that all personal data is properly managed and protected
- The system should be capable of being implemented efficiently and without a detrimental impact on the existing duties and responsibilities of EROs

Registration as personal choice

57. In the White Paper proposals for 2014 there is an important suggestion (paragraph 74) that the legislation will allow a person to indicate to the ERO in response to the invitation to register that they do not wish to be chased—this will enable the ERO not to ask that individual to register again during that canvass period. The White Paper states that this ‘will ensure that EROs direct their resources to finding eligible electors who want to be registered’. Although this proposal is set in the context of the White Paper section about 2014, we understand the intention is that this would apply every year under IER; the White Paper makes clear that ‘it will not be possible for an elector to declare that they do not wish to be registered on a permanent basis’. However, under these proposals there is in practice

nothing really to prevent people from opting out of the registration process on a permanent basis, simply by ‘opting out’ every year—in effect, that is a permanent opt-out.

58. The Commission has significant concerns about this proposal. We would not want to see a move away from the current approach—where electoral registration though not compulsory is regarded as an important civic duty—without further debate. The electoral register is not just a record of an individual’s private choice about whether or not they intend to cast a vote at elections, but is also used for important wider public purposes. Not being on the electoral register leads to a range of consequences, not just being unable to cast a vote, including:

- People not being contacted by candidates and political parties campaigning during an election
- People not being counted in setting boundaries
- People not being summoned for jury service

59. The current approach to maintaining electoral registers is conducted in the context of a strong expectation that the ERO will produce as complete (and accurate) a register as possible, and that citizens will cooperate by providing information for that. Whether or not they then vote is up to them.

60. The risk of the easy ‘opt-out’ proposed in the White Paper is that registration levels (currently 90%+) could drop to around election turnout levels (65% at the last election to the UK Parliament in 2010, much lower at other elections). There could be serious (unintended) consequences for our wider democratic processes if the numbers of people on electoral registers dropped significantly. The Commission could not support this outcome in the context of the overall objective of maintaining the **completeness** of our electoral registers.

61. Whatever the arguments for and against using electoral registers as the basis for drawing constituency boundaries, or summoning juries, the fact is that they are used for these wider public purposes at present. It is not sensible to jeopardise the completeness of our registers by introducing an easy ‘opt-out’ without much more debate and consideration of the wider consequences.

62. We are particularly concerned about the potential impact of this proposal if it is implemented at the same time as electors are asked to make the transition to individual electoral registration. Irrespective of the conclusions of any wider debate about the principle

of allowing people to choose not to register, the Government should not pursue this proposal as part of the implementation of IER.

Accuracy

Detecting duplicate entries

63. Improving the accuracy of our electoral registers is a key aim of the change to IER. The ability to identify ineligible duplicate entries must therefore be an essential feature of the new system; without it, there is a considerable risk that the accuracy of our registers will be compromised—and public confidence with it.

64. The Government is clear in the White Paper that there will be ‘no new national database’, but it will be important for the various electoral registers across the country to be cross-checked against each other to identify and where necessary eliminate duplicate entries. The White Paper does not make clear how this key outcome will be achieved, and the Government should begin consulting on potential solutions (including their implementation timescales, and costs) by the end of 2011 at the latest.

Verifying identity

65. The Government proposes that in order to be included on an electoral register, people will be asked to provide their National Insurance Number (NINO) and Date of Birth (DOB), which will then be checked against DWP or HMRC databases—but that there will be no requirement for a signature. The White Paper explains that a signature ‘does not add any significant security to an application nor is there the facility to verify the authenticity of the signature’ and that removing the requirement for a signature ‘will also enable registrations to be made through new channels such as online or by telephone’.

66. We would welcome an approach which simplifies the range of information people are asked to provide for checking, but the Government should confirm with the police and prosecutors that removing signatures from the proposed personal identifiers would not compromise the security of the electoral registration system, or the ability to investigate potentially fraudulent registration.

67. The Government has not proposed removing the requirement to provide a signature when applying for and returning postal and proxy votes.

68. Any system of verification must include accessible and robust alternatives for people who are unable to provide a NINO and/or DOB, or in circumstances where attempts to verify the identifiers prove unsuccessful.

69. The White Paper (paragraph 51) suggests an exceptions process that would be available for those who are unable or unwilling to provide the specified identifying information.

70. We would not support giving people the option of not supplying the required identifiers simply because they are ‘unwilling’. Such an approach risks undermining public confidence in the integrity of the IER system; and could also lead to inconsistent practices across local authorities. The Commission considers that any exception to the general requirement for the NINO and DOB should be available only to those who are **unable** to provide the information.

71. However, we question the need for a separate process for those unable to provide the NINO and DOB. The Commission’s view is that instead, people should be required to provide two forms of identification from a specified list – similar to the approach in Northern Ireland—where electors are required to provide evidence as proof of residency, but may sign a declaration if they are unable to supply any of their identifying information.

72. We note that the legislation will allow digital identity assurance should these services become available in the future. We agree that it makes sense to provide flexibility in the legislation in the event that improved methods of verification become available.

Completeness

The transition to IER

73. The process of moving from a system based on household registration to one in which individuals take personal responsibility for registering is challenging and needs careful planning.

74. The starting point for the transition must be a list of electors that is, as far as is possible, accurate, up-to-date and complete. Based on that list, there then needs to be a process of

collecting identifying information from those electors to re-build the electoral register on the basis of IER.

75. The Government has proposed the following approach:

- The starting-point will be the electoral registers published on 1 December 2013 (as updated monthly from 1 January 2014)
- From 1 July 2014, EROs will send IER forms to each person on their electoral register at that date (and to everyone who wants to join the electoral register from then on). IER forms will ask for an individual's:
 - Name
 - Address (and previous address within the last 12 months—which will enable EROs to notify their counterpart in another local authority area that a registered elector has moved)
 - Nationality
 - Personal identifiers (see paragraph 65 above)
- The form will also offer the individual a chance to say they do not want their name to appear on the 'edited register' (see paragraphs 85-87 below).
- (IER forms will also offer individuals a chance to indicate that they do not wish to register, and do not wish to be 'chased' further for the next 12 months. The Commission does not believe that the Government should pursue this proposal as part of the implementation of IER—see paragraphs 57-62 above).
- IER forms will include an insert which asks people to give the details of anyone else who lives at their address and has not received an IER form
- In addition to the individually-addressed IER forms, Household Enquiry Forms (HEFs) will be sent in 2014 to properties where no electors are registered, including new homes.
- EROs will continue to be subject to their existing duties – that is, if they do not receive a response to the IER forms, they should send reminders and make doorstep enquiries where necessary.
- Entries for people who do not respond to the IER form will not be removed from registers unless the ERO has evidence that they are no longer eligible to be registered. This means that most non-responders will be 'carried forward' to the register published in December 2014 and will still be able to vote at elections in 2015.

76. The Commission supports the Government's proposal to use a 'carry forward' provision during the transition to IER. A clear lesson from the introduction of IER in Northern Ireland is that, however well-designed the process and however clear the accompanying

public information messages, by no means all eligible electors will respond to the change in the first transition year. To deal with the risk that these electors will be disenfranchised, it is therefore sensible to allow a limited ‘carry forward’ provision, which effectively spreads the transition over a two-year period.

77. However, the Commission nevertheless sees the following risks with the Government’s approach to the transition:

- We know that significant numbers of registered electors move during each year,³³ and we estimate that approximately 5 million entries in electoral registers are changed (including new electors and home movers, for example) each year.
- The vast majority of changes each year are identified by the annual canvass process, rather than monthly rolling registration updates, and our research suggests that by July 2014, the December 2013 electoral registers will be, on average, 5-6% less accurate than when they were first published.
- This means that by July 2014, as many as 2-3 million people across Great Britain could be no longer resident at the address recorded on the December 2013 electoral registers—and would therefore not receive an IER form in July 2014.
- Without a full canvass of households during autumn 2014, any other changes due to electors moving which would previously have been identified by the canvass process may not be identified.
- Under the Government’s ‘carry forward’ proposal (which the Commission supports in principle), if individuals who have moved do not complete an IER form, their names will remain on the electoral register until after the proposed UK General Election in 2015, but at the wrong address. This is unlikely to help those electors to participate in the 2015 elections, and carries an increased risk of fraud from poll cards and postal ballot packs being sent to addresses where electors are no longer resident.

78. While the Commission recognises that there is no easy solution to the challenges of making the transition from the current household system to the IER system, we are concerned about these risks. We think that the Government should carefully examine the case for running a full household canvass in mid-2014, and sending IER forms immediately to everyone listed on the household canvass return. While we note that the Government appears to have taken the view that this approach would have an unacceptable cost, and

³³ In 2001, analysis indicated that between 7% and 25% of people (depending on the area) moved in a year. The figure was 10% or above in 281 local authority areas, with the highest figures in areas with high numbers of students (Oxford, Cambridge, Manchester, Southampton) and of private renters (metropolitan areas such as London boroughs).

could confuse electors, the Commission questions whether the potential savings are justified by the risks that we have set out above to the accuracy and completeness of the electoral registers to be used at the 2015 UK General Election. We believe that it should be possible to explain to electors that the approach to the household canvass in 2014 would be different, and tell them to expect to receive IER forms as a result of completing the canvass form.

Public awareness

79. Whichever process is followed, it is important that during the transition period, IER forms are sent out during the same reasonably short period across Great Britain. This will allow maximum impact for accompanying public information messages to remind people to look out for the forms, tell them what to do if they have not received one, and why it is important for them to complete them and send them back to their ERO. The scale of the challenge is significant, with around 46 million people needing to act in order to secure their vote.

80. A public information campaign designed to reach such a large number of people will need to be carefully planned in order to maximise its effectiveness and coverage, especially given the need to make the most efficient use of available resources. The Commission will continue to develop its plans in this area in conjunction with Government and other relevant stakeholders, paying particular attention to how public information can best be delivered, and the balance between the Commission's GB-wide campaigns, local campaigns by EROs, and harnessing opportunities to reinforce the message about IER through a wide range of other interested groups across society—including political parties at national and local levels. The Commission will also need to ensure that public information about the transition is fully accessible to all groups in society, especially those who are most likely to need additional explanation and support.

Data matching pilots and other initiatives

81. The White Paper explains that the Government is exploring, through a series of pilot schemes, 'whether EROs can use public databases to identify people eligible to vote but missing from the register so they can invite them to register'. There are 22 data matching pilot areas (19 in England and three in Scotland). If these schemes prove successful then the White Paper states that the Government will look at how data matching can be extended across the country. The Commission supports these trials and will be conducting a statutory evaluation of them, which will be completed by March 2012. We will report on:

- how far the schemes achieved the purpose of assisting the local registration officer to meet their objectives (ie, that people entitled to be on their register are on it; people not entitled are not on it; and that information about people who are on the register is correct). whether (and if so, how much) people objected to the scheme.
- how easy the scheme was to administer.
- whether and how far the scheme resulted in time/cost savings.

82. Data matching allows EROs to match names and addresses on their local electoral register with names and addresses on existing national databases (in addition to the local information they can already use—see paragraphs 15-16 above), so that ineligible entries can be removed and people who are missing from the register have the opportunity to be added.

83. We do not yet know how effective data matching will be. Whatever the outcome of the trials, however, the Commission believes that in order to mitigate the significant risks of eligible people being lost from electoral registers during the transition to IER, the Government should give further detailed consideration to wider options that will help ensure the completeness of the electoral register throughout the implementation process. Further options are needed not only in the event that data matching is less successful than we hope, but also to deal with ‘at risk’ groups who are less easily picked up through the data matching approach.

84. The Commission also believes that where risk-mitigation approaches including data-matching are proved to be effective, EROs should be required to use them.

The ‘edited’ register

85. The Commission has previously recommended that the ‘edited’ register should no longer be compiled or made available for sale.³⁴ The previous Government consulted on this issue in 2009/10 but no decision has been announced either by the previous Government, or this Government.

86. Our reasons for recommending abolition of the edited register are as follows:

³⁴ Electoral Commission (2010) *Electoral Commission response to the Ministry of Justice consultation Electoral Registers: Proposed Changes to the Edited Register* (http://www.electoralcommission.org.uk/_data/assets/pdf_file/0005/86927/Response-to-the-Ministry-of-Justice-consultation-final.pdf)

- It is wrong in principle to combine a request for information for the purposes of electoral registration, with the issue of direct marketing. The Commission is concerned that, in some cases, combining these issues may act as a deterrent to people registering. A survey carried out in 2008 by the Local Government Association and Association of Electoral Administrators found that almost nine in ten electoral officers surveyed believed that the practice of selling the electoral register discouraged people from registering to vote.³⁵
- The Commission shares the concerns of the Data Sharing Review—which Richard Thomas and Mark Walport (then Information Commissioner and Director of the Wellcome Trust respectively) undertook at the request of the Prime Minister and the Justice Secretary in 2008—that asking electors whether they wish to opt out, rather than opt in, may be confusing, and that many people may not realise that the ‘edited’ register can be sold to anyone.

87. The introduction of IER in Great Britain strengthens the case for abolishing the ‘edited’ register—especially if the Government were to persist with the idea of offering an ‘opt out’ choice for electors who ‘do not wish to be chased’ by their ERO (see paragraphs 57-62 above)—which risks further confusing people about what they are opting into and out of. We are also concerned that the proposal to ask people for personal information such as their DOB and NINO—which we support in the interests of accurate electoral registers—will be more difficult to deliver if people are concerned about the possibility that this information may be made available to third parties. Abolishing the ‘edited’ electoral register will provide additional reassurance to people and reduce their concerns about what may happen to their personal data.

Implementation

Ensuring consistent implementation and a high quality service for electors

88. Since July 2008, the Electoral Commission has set performance standards for EROs in Great Britain, covering planning, maintaining completeness and accuracy, ensuring electoral integrity and promoting public awareness. The Commission has reported annually on how well EROs are performing against these standards. Our assessments show that there has been a continuing improvement in EROs’ performance since 2008. However, there remain 45 EROs who, in some aspects of their performance, have shown no improvement over the three years in which we have been reporting. And the overall figures contain evidence of

³⁵ “New survey shows overwhelming support for changes to electoral register” LGA press release - Tuesday 26 August 2008.

patchy performance. In particular, our performance standards reports show that there is still work to be done by EROs in relation to their plans for participation activities; that is, their plans to encourage local people to register to vote. These activities will be crucial during the implementation of IER and subsequently.

89. The Commission will be looking at how we use performance standards to monitor the preparedness of EROs for the introduction of IER, and to provide early-warning signs where EROs may not have the capacity or capability to deliver. Our approach to supporting and monitoring the performance of EROs will need to be adapted to reflect the new legislative and practical requirements of IER. We have already begun the process of reviewing the current standards for EROs and will undertake public consultation on proposed revisions once the legislative framework is clear. We intend to publish our revised standards and supporting guidance well in advance of the implementation of any new processes, and will monitor and report on EROs' performance against these revised standards during 2014 and 2015.

90. However, there is no formal mechanism in place to ensure that EROs take steps or put in place plans to meet the agreed standards. We think that poses a significant risk to the achievement of the outcomes of IER, one of which should be a consistently high quality of service for all electors.

91. Section 52 of the Representation of the People Act 1983 gives the Secretary of State a power of direction over EROs following a recommendation by the Commission, requiring them to comply with any general or special directions in relation to the discharge of their functions. But this power is seldom used, not well understood and not conducive to timely interventions of the kind that might be necessary during the implementation of IER. We do not believe it will ensure consistently high-quality service to electors.

92. There needs to be an effective, straightforward and timely method for ensuring individual EROs deliver the transition to IER effectively, and manage the risks that it involves. Much of this can be done through developing our approach to monitoring performance against the Commission's standards. But we recommend that instead of the Secretary of State retaining such a wide power of direction, the Commission's existing powers to set and monitor performance standards for EROs should be strengthened with appropriate sanctions to enable us to direct EROs to take steps to meet the agreed standards. Such a power should be

used as a last resort, in cases where there is an unacceptable risk that electors may not receive a consistent high quality service.

93. The draft legislation published with the White Paper includes a provision³⁶ requiring EROs to ‘have regard to any guidance issued by the Secretary of State about the determination of applications under this section’. The Commission produces comprehensive guidance for EROs. We would expect to issue revised guidance to EROs on the determination of registration applications under IER. It therefore seems unnecessary for an additional guidance function to be given to the Secretary of State; the Commission should take on this role.

94. We would welcome further discussions with the UK and Scottish Governments and EROs to explore the most effective way of implementing this proposed new model for ensuring effective delivery of these new registration processes.

Consistent access to electoral registration

95. It is an important principle of participation that the process for registering voters is effective, impartial and non-discriminatory, with clear criteria for registration and equal access to the registration process for all who are eligible.

96. We support the goal of an electoral registration system that can adapt to future developments—including different channels for registration. However, new channels should be universally available, rather than being limited to areas that can afford or choose to implement them. There is already inconsistency in the provision by EROs of registration channels—for example, some, but not all, EROs, offer electors the option of confirming their registration details by telephone. The introduction of IER provides the opportunity to ensure that electors get a consistent service across Great Britain, and in particular that all electors have a consistent choice of channels to access the electoral registration service.

97. We welcome the Government’s proposal that the Commission should be given the role of designing electoral registration forms under the new system, and that EROs should be required to use these forms. This will help ensure that forms are of a consistent standard, have been tested for usability and that essential information is provided in a format that is

³⁶ Subsection (5) of section 10ZC

easy for voters to understand. A similar role was undertaken by the Commission at the recent Wales and UK-wide referendums, which proved successful.

A clear planning trajectory

98. The change to IER will mean significant changes for EROs and it is essential that sufficient time, resources and support is given to them as they prepare for this change.

99. While the Government has indicated that it intends to introduce legislation to Parliament in early 2012, much of the essential detail required to properly plan and prepare for implementation cannot be provided until secondary legislation has been confirmed. The scale and complexity of the changes required to be implemented before July 2014 are illustrated below.

- EROs will need to be ready to issue IER forms on 1 July 2014, and to receive completed forms and verify identifiers almost immediately. This means that all forms will have been printed and the required IT systems are in place by the end of June 2014.
- For EROs to have properly planned and produced contracts for the production and distribution of IER forms in July 2014, they will need confirmation of individual funding assumptions and also confirmed printing specifications and requirements.
- The Electoral Commission will need to carry out development, design and user research on proposed IER forms before specifying them for EROs to print and issue to electors.
- EROs will also need to have regard to advice and performance standards issued by the Electoral Commission as they plan for the implementation of IER. Our guidance and standards will need to reflect the detailed regulations contained in secondary legislation.
- For electoral management software suppliers to ensure that EROs can process returned forms in July 2014, they will need to have developed, tested and issued any new or revised software. Software suppliers and EROs will need confirmation of the technical specification of the communication systems and processes required to verify identifiers provided on IER forms before they can begin development of their own systems.

- Electoral management software suppliers will also need confirmation of the funding and payment process for changes to electoral management systems before they are able to commit to implementing required changes.

100. We recognise that the Government will need to reflect on the views expressed during pre-legislative scrutiny of the proposals set out in the White Paper before setting out its final policy for IER in legislation. It should not, however, delay producing a clear plan and budget for implementation, including the details of all associated IT development and procurement processes, for consultation with EROs. This plan should be published when the Government introduces legislation for IER to Parliament, so that EROs, suppliers and the Electoral Commission can provide more detailed scrutiny and advice to Parliament about the feasibility of the Government's proposals.

Funding the change

101. Expenditure for electoral registration falls into two main categories: funding the annual canvass; and funding the year-round registration process, known as 'rolling registration'. The expenses of registration must be properly accounted for by the ERO and then paid by the council (Section 54, RPA 1983). The amount of finance allocated to this service will, however, be determined by the council which will need to balance it against provision of finance across all services. This is in contrast to the provision of adequate staffing resource in order to assist the ERO, which is a direct duty of the council and should not be subject to wider constraints (Section 52(4), RPA 1983).

102. Currently, the budget for electoral registration must be provided to the ERO by the council that appointed them, and must be sufficient to allow the ERO to fulfil their duty to maintain the register. Each local authority is required to provide its ERO with adequate funds to carry out house-to-house, postal or other enquiries as are necessary in order to produce and maintain the register of electors.

103. It will clearly be essential to ensure that EROs are properly resourced to deliver their responsibilities under IER. There will inevitably be varying capacities across local authorities and among EROs to resource and implement IER and, as noted, although local authorities are required to fund electoral registration, it is not as a service subject to ring fencing or other restrictions as to how resources must be allocated. Without mechanisms to ensure that any additional funding directly reaches EROs, there is a risk that IER will not be implemented consistently across Great Britain. We would therefore recommend that the Government

identifies effective ways of ensuring that any funding allocated to the implementation of IER is only used to support the implementation of IER and any related electoral registration activity.

104. The Government also needs to ensure that sufficient funding is available for the activities listed in the White Paper—for example, data matching, other initiatives to encourage registration, online registration, canvassers.

105. The Commission will fund public awareness activity and our research programme.

The Electoral Commission's role in the electoral registration process

106. The Commission's key responsibilities during the transition from household to individual registration will be:

- Providing the UK Parliament with robust evidence about the implementation of IER. As the independent expert body for elections and electoral registration, we will develop and deliver a programme of research to support scrutiny and assessment of the impact of these changes. For example, we will report on the completeness and accuracy of the electoral registers before and after the transition to IER. Our next report on the completeness and accuracy of the registers in Great Britain will be published in December 2011. We will also be closely monitoring the public response to the new registration system.
- Supporting government, EROs and others to ensure that a clear and robust plan is developed for implementing individual registration.
- Providing guidance and support to help EROs collect personal identifiers, and monitoring delivery across Great Britain via our performance standards framework. Guidance and standards issued by the Commission to EROs will be updated to reflect the revised statutory requirements for IER.
- Developing and coordinating a programme of public awareness activity to ensure electors understand what they need to do under the new registration system.

September 2011

Further written evidence submitted by The Electoral Commission (EA 10A)

1. We welcome the publication of draft proposals for changes to electoral law for pre-legislative scrutiny, and we are pleased to be given the opportunity to contribute to this process.
2. The Electoral Commission has highlighted on many previous occasions, including in our regular statutory election reports, the piecemeal nature of recent changes to the electoral process in the UK. We continue to recommend that the UK Government should set out and consult on proposals for a medium to long-term strategy for the modernisation of electoral administration in the UK.
3. In the absence of such a strategy, we have therefore also included in this response an outline of the key changes that we believe should also be included in legislation and implemented in time for the next UK Parliamentary general election. These changes have been highlighted in previous statutory election reports, most recently in our July 2010 report on the May 2010 UK Parliamentary general election.
4. We are disappointed by the lack of policy context provided alongside the draft provisions. The explanatory notes do not provide enough background or evidence to support appropriately detailed consideration of these proposals.
5. Our response addresses each of the Government's draft provisions in turn, and also makes a series of other recommendations relating to electoral administration that we believe the UK Government should implement alongside the draft provisions.

Responses to draft provisions

Clause 1 – Extension of the timetable for UK Parliamentary elections

6. The Electoral Commission has, since 2003, recommended that the UK Government should bring forward proposals to rationalise and introduce greater consistency to the timetable for elections throughout the UK. We have recommended in particular that the timetable for UK Parliamentary elections should be lengthened and that key deadlines should be brought into line with those for other elections.
7. We therefore welcome the proposal to extend the timetable for UK Parliamentary elections from 17 to 25 working days from dissolution of Parliament to polling day, with an increased period between the close of nominations and polling day.
8. We also support the proposal to retain the same length of time between the commencement of the timetable and the deadline for nominations. This ensures that

political parties and candidates will continue to have sufficient notice and time to nominate or be nominated.

9. We have a number of questions about the Government's proposals, however, which we do not believe are fully dealt with in the accompanying explanatory notes. First, given the proposals currently before Parliament to fix the date of the next UK Parliamentary general election, why is the Government proposing that the election timetable should continue to be counted forward from the dissolution of Parliament, rather than calculating deadlines backwards from polling day (as is the case for all other elections in the UK)?

10. Second, why is the Government proposing greater flexibility for the timetable for Parliamentary by-elections and polls which are re-run due to the death of a candidate, including flexibility for the Acting Returning Officer over the setting of polling day? We do not see any reason why the rules for these polls should not specify that the length of the timetable will be the same as for a UK Parliamentary general election.

11. The Government should ensure that it addresses both of these queries when it introduces any legislation to Parliament.

12. Although we support the proposal to lengthen the timetable at this stage, we are also disappointed that the Government has not taken this opportunity to carry out a more comprehensive assessment of the optimum length for the election timetable and the relevant electoral registration and absent voting deadlines.

13. We recognise that there are currently different timetable lengths for different elections, and we do not necessarily believe that a single timetable should be imposed across all elections. Nevertheless, we believe that the Government should also take the opportunity to consider the relationship between the UK Parliamentary timetable and other statutory timetables.

Clause 2 – Alteration of electoral registers: pending elections

14. We support the policy intention behind the proposal to require additional publications of the notice of alteration to electoral register prior to polling day, which is to allow earlier distribution of postal ballot packs for electors who have registered or made an application to vote by post close to the current deadline for applications.

15. Again, though, we have a number of questions about the Government's proposals which we do not believe are fully dealt with in the accompanying explanatory notes.

16. First, we are concerned that the full benefits of an extended election timetable as set out in these proposals would not be available to all postal voters. The Government has not

indicated that it intends to amend the relevant rules which specify that ballot packs cannot be dispatched until 5pm on the eleventh working-day before polling day. This means that service and other overseas voters in particular will still have a relatively short period in which to receive, complete and return their postal ballot packs in order for their votes to be counted.

17. The Government should amend the rules to allow an earlier dispatch of postal ballot packs than that which is possible under the current timetable, or explain why it does not intend to make such a change.

18. Second, it is not clear why the Government has proposed to allow two additional publication dates for notices of alterations to the electoral register between close of nominations and the fifth day before polling day. The Government should quantify the benefit that it believes the second interim publication would bring.

19. Third, it is not clear that an earlier interim publication date for alterations to registers would allow postal ballot packs to be sent any earlier to electors who have been granted a postal vote for a definite or indefinite period. Returning Officers would still be required to wait until after 5pm on the 11th working day before polling day to issue postal ballot packs to those electors. The Government should confirm that the proposed changes will be applied consistently for the different categories of people who have been granted a postal vote, or explain why it does not believe that such a change would be appropriate.

20. Fourth, we would welcome confirmation that the UK Government intends these provisions to be applied to all elections for which the UK Parliament has legislative competency, including elections to the National Assembly for Wales and the proposed elections for Police and Crime Commissioners which we understand the Government intends will take place in May 2012.

21. We also recommend that the Government takes this opportunity to amend Subsection 5 of Section 13B of the Representation of the People Act 1983 so that the “the appropriate publication date” falls on the fifth day before polling only. Although, in practice, few Electoral Registration Officers publish the last notice of alterations to the register on the sixth day before polling day, we are concerned that publishing on this date would mean that the registration deadline would effectively fall on the twelfth working day before polling rather than the eleventh day as at present.

22. We also note the omission of referendums from this provision. Although the Parliamentary Voting System and Constituencies Act made an amendment to Section 13B specifically for the 5 May 2011 referendum, referendums are not currently covered by the existing 11 day provisions. We recommend that referendums held under the Political Parties, Elections and Referendums Act 2000 (PPERA) should either be included in both Sections 13AB and 13B to ensure consistency and limit opportunities for a negative impact on

electors, or that this issue is resolved in a generic conduct Order for referendums held under PPERA.

Clause 3 – Review of polling districts and places in Great Britain

23. We note the Government’s intention to introduce a compulsory review period during which authorities must review all Parliamentary polling districts and polling places in their area. The period commences with the 16 months from 1 October 2013 and the period of 16 months beginning with 1 October every five years thereafter.

24. We understand that these periods have been selected to coincide with both the expected UK Parliamentary elections under a fixed term parliament as well as the schedule for boundary reviews. We agree that the review of polling districts and places should take place once the boundary review has concluded.

Given that the provision means that formal reviews will take place less frequently, it is essential that all polling places and stations used should be kept under continuous consideration, and an evaluation of their suitability carried out after each election and any desirable changes implemented accordingly.

Clause 4 – Use of emblems on ballot papers

25. In our report on the administration of the 2010 UK Parliamentary General Election, we recommended that the Government should amend the rules as quickly as possible to allow candidates standing with a description jointly approved by more than one registered political party to also include an emblem on the ballot paper.

26. We were pleased that the rules for the May 2011 elections were changed in time for candidates to include an emblem on ballot papers, and we welcome confirmation of the Government’s intention now to address the defect in the legislation for UK Parliamentary elections. We support the introduction of this provision.

Other recommendations

27. The legislation which is intended to provide for the introduction of individual electoral registration is likely to be the only opportunity in the lifetime of this Parliament to address electoral administration issues in a cohesive manner. We have made a number of recommendations for changes to electoral law in statutory election reports in recent years, and we recommend that the Government should introduce further provisions to the Bill to implement the following measures:

28. We want the Government to change the law to make clear that eligible electors who are entitled to vote at a polling station and who are in the queue to enter the polling station at the close of poll will be allowed to vote, as recommended in our report on the problems at polling stations at the 2010 UK Parliamentary General Election.

29. We also recommend that the Government examine the case for requiring electors to show identification at polling stations in Great Britain. The introduction of such a requirement must balance accessibility for electors against the need to have a robust and secure system of polling.

30. The rules for all types of election should be amended to specifically allow Police Community Support Officers (PCSOs) to enter polling stations.

31. Feedback from Returning Officers and electoral administrators suggests that many returned postal votes are rejected because voters' signatures have changed since their first application. Returning Officers should be given powers to request a refreshed identifying signature and also provide electors with feedback if their identifier has been rejected to address this problem.

32. The checking of returned postal votes is an important measure against postal voting fraud. It should be mandated that 100% of returned postal votes have their identifiers checked against those supplied at the time of application, rather than the current legal minimum of 20%.

33. The Government should also take immediate steps to amend the emergency proxy provisions to broaden the eligibility criteria. The criteria should at least include—though not necessarily be limited to—caring responsibilities including the medical emergency of a dependent or other person, bereavement and reasons related to employment.

34. We again call on the Government, in the strongest possible terms, to repeal provisions which allow for the commercial sale of the edited register. We firmly believe that the electoral register should not be used for commercial gain and that an individual's data, given for civic purposes, should not be sold to companies wishing to profit from it.

35. Also, as stated in our response to the IER White Paper, we are concerned about the potential for confusion about the uses of peoples' personal data to erode public confidence the registration system, and therefore believe that the introduction of IER strengthens the case for ending the sale of the register.

36. We do, however, believe that it would be useful for access to the full register to be extended to academics. At present, academics are unable to access the register for research purposes. A scheme is currently in place to allow academics access to census data and an equivalent could be put in place for registration data.

37. The Parliamentary Voting System and Constituencies Act 2011 gave the Chief Counting Officer for the May 2011 referendum the power to specify modifications to the wording or appearance of certain voter-facing forms and notices to make them easier for voters to understand or use. We would like to see a similar power for the Electoral Commission extended to other categories of election, to ensure that essential information is provided in a format that is easy for voters to understand.

38. Finally, though we see no reason to move polling day from its traditional Thursday, we would recommend that the Government considers the introduction of a system of advance voting (enabling people to vote at a central polling station between one and seven days before traditional polling day). Allowing electors to cast their vote prior to polling day would offer a new channel for voting that would complement absent voting and improve access to the democratic process.

September 2011

Written evidence submitted by MIND (EA 11)

Introduction

1. Our vision is of a society that promotes and protects good mental health for all, and that treats people with experience of mental distress fairly, positively, and with respect. The needs and experiences of people with mental distress drive our work and we make sure their voice is heard by those who influence change. Our independence gives us the freedom to stand up and speak out on the real issues that affect daily lives. We provide information and support, campaign to improve policy and attitude and, in partnership with independent local Mind associations, develop local services. We do all this to make it possible for people who experience mental distress to live full lives, and play their full part in society.

2. Mind welcomes the Political and Constitutional Reform Committee's inquiry into the Government's proposals on individual electoral registration, and for the opportunity to feed into this inquiry. As Mind is not an expert on the electoral process, our comments are limited to the impact the proposals may have on people experiencing mental distress. We also suggest ways the Committee and, in turn, the Government may wish to consider in order to prevent further marginalization of people with mental health problems from the electoral process.

Key considerations

Impact of mental health on social exclusion and political engagement

3. People with mental health problems are amongst the most socially excluded in society³⁷, and experience stigma and discrimination as a result of their mental health problems. This can ruin lives. Stigma and discrimination deny people with mental health problems the opportunity to live their lives to the full. It also impacts on relationships, work, and education, as well as the chance to live an ordinary life that others take for granted.

4. These indicators are significant in relationship to electoral registration because of the connection between social inclusion and political engagement, as the Electoral Commission identified:

“...those experiencing social deprivation tend also to be among the most politically excluded within society...We have explored the main factors that are thought to drive social exclusion and political exclusion. These include unemployment and low income, poverty, education, skills and training deprivation, health deprivation and disability, access to transport, fear of crime, neighbourhood, and housing.”³⁸

³⁷ *Social exclusion and mental health*, Social Exclusion Unit, Office of the Deputy Prime Minister, 2004.

³⁸ *Social exclusion and political engagement – a research report*, Electoral Commission, 2005.

5. That's why Mind, together with Rethink, run 'Time to Change', England's most ambitious campaign to end the discrimination faced by people who experience mental health problems, as well as improve the nation's wellbeing.

6. This campaign includes local community projects and activities, a high-profile anti-stigma campaign, legal challenges, training for student doctors and teachers, and a network of grassroots activists combating discrimination.

7. Time to Change is shown to be having a positive impact on public attitudes and behaviour towards people with mental health problems. Since the campaign launched, there has been a 4% reduction in reported discrimination and a 2.2% improvement in public attitudes.

Ensuring registration is accessible

8. Mind welcomes the commitment from the Government to ensure that "everyone who wants to be on the electoral register—and has the right to be—should be able to register easily and simply³⁹," as well as its acknowledgement that more can and should be done to encourage people to register.

9. Alongside those groups the Electoral Commission found most likely to be missing from the register (ie young people, home movers, and certain Black and Minority Ethnic Groups), Mind would also suggest that the needs of people with mental health problems need to be taken into consideration, alongside the needs of disabled people as a whole, when looking at this important issue.

10. A project by Rethink, entitled Rethink Politics, was aimed at supporting the political engagement of people with mental health problems. Its report identified a number of suggestions for local authorities to take forward to help promote political engagement amongst people experiencing mental distress⁴⁰. The Committee and Government should consider this report and in particular the recommendations on how to improve political engagement alongside the Government's proposals to transform the voter registration process.

Acceptable forms of evidence

11. As some people with mental health problems will not have the traditional forms of photographic identification such as a passport or photo driving licence, the Committee should consider a recommendation to ensure as comprehensive list of acceptable forms of evidence as possible which can satisfy the Electoral Registration Officer.

³⁹ *Individual electoral registration*, HM Government, June 2011, page 10, point 16.

⁴⁰ *Rethink Politics: supporting the political engagement of people with mental health problems*, Rethink, 2009

12. For people who don't own the two forms of approved identification, including photo identification, the Government's proposal is for the individual to have non-photographic identification and combine that with a visit to the electoral office. The Committee should be aware that for some people with mental health problems this will prove simply too difficult to carry out, especially for those people whose mental health problems may leave them housebound. Further clarification is needed on where central electoral offices are, as this may also impact on people's ability to travel to the electoral office. Many people who rely on public transport may also face similar challenges, particularly those living in rural communities.

Registration in general

13. The Government is proposing that address verification will be completed in writing. Whilst this seems sensible in theory, it does identify a number of dilemmas for some people with mental health problems which may impact on their ability to carry out voter registration.

14. It is vital that in the case of voter registration there are a variety of ways people with mental health problems can register to vote, including written, verbal, and face to face. This is in order to reflect the different needs people will have when engaging with authorities and institutions. In 2009, Mind conducted research into HMRC's practices and the impact HMRC's practices had on people's mental health. Our findings highlighted the need to ensure a variety of different ways to engage with authorities. Many of these lessons also apply to voter registration.

15. For example, some people will have anxieties about leaving home. Others will be anxious about using the telephone. Respondents to the survey carried out by Mind for HMRC reflected this when asked how they would like to communicate with HMRC (they could opt for more than one channel):

- 41% said they would like to be able to communicate by letter
- 40% said they would like to visit an HMRC office with someone there to support them
- 39% by telephone
- 37% by email⁴¹

16. An important aspect of many forms of mental health problems is that the symptoms and effects fluctuate from one day or week to another. One interviewee put this plainly:

*"I would like to be able to choose what suits me best at any time as my mental health fluctuates."*⁴²

⁴¹ *Tax and mental health: removing the barriers*, Mind, 2009

⁴² *Tax and mental health: removing the barriers*, Mind, 2009

17. This is a vital point for the Government to bear in mind when planning any communication channel strategy for this group; the needs of any individual may not remain constant.

Data sharing

18. We await the findings from the Government's data matching schemes with interest as it may well prove fruitful for improving voter registration rates. However, the Government needs to be aware of the acute concerns some people have around data protection and sharing and the lack of trust in authorities to look after data properly. Regardless of whether this is fact or merely perception, the Government needs to carefully consider its communications on this matter.

Engaging with people with mental health problems directly

19. The Government should consider engaging directly with people with mental health problems, particularly regarding issues around communication of changes to the system. Mind would be happy to help facilitate this conversation.

September 2011

Written evidence submitted by The Electoral Reform Society (EA 12)

About the Electoral Reform Society

1. The Electoral Reform Society was founded in 1884 and has over 100 years of experience and knowledge of democratic processes and institutions.
2. As an independent campaigning organisation working for a better democracy in the UK we believe voters should be at the heart of British politics. We work across the political divide with other national organisations and local campaigners to improve the health of our democracy and to empower and inform voters. As well campaigning for fair votes and other democratic reforms, the Electoral Reform Society also conducts expert research on electoral systems and outcomes.
3. More information about our mission and activities can be found on our website at www.electoral-reform.org.uk

Summary and recommendations

4. The integrity of the electoral process and ensuring every qualified voter is able to cast their vote is the cornerstone of a good democracy. We have long argued that the twin problems of the electoral register—under-registration and inaccurate registration—cannot be tackled in isolation. The Electoral Reform Society, therefore, welcomes the intentions of the Government's proposals on Individual Electoral Registration (IER). Although evidence of electoral fraud is quite rare, it is difficult to detect. The system as it currently stands is wide open to fraud as it is based almost entirely on trust. We believe that IER will boost public confidence in the electoral system by increasing the accuracy of the register and reducing the opportunity for fraud.
5. We also welcome the opportunity to address the issue of eligible voters who are not included on the electoral register. The proposals in the White Paper tackle this issue to some extent, for example data-matching schemes to help Electoral Registration Officers (EROs) locate missing voters. However it is vital to be alive to the impact of IER on registration rates. Concerted efforts will need to be made in order to prevent a catastrophic collapse in registered voters in the run up to the 2015 General Election, and ensure that all eligible voters can have their say in future elections.

Recommendations

- Investigate the possibility of empowering the Electoral Commission to act as the regulator for EROs in order to improve performance, ensure best practice is being followed and increase voter registration across the whole country.

- Improve best practice and information sharing between local authorities and EROs
- The Government reconsider the decision to use a transitional carry-over arrangement instead of a national household canvass in 2014.
- The Government or a suitable authority investigates the feasibility of Election Day Registration to take advantage of voter interest when it is at its highest and the campaign period reaches its peak.
- The Government or a suitable authority investigates the feasibility of making it possible to register to vote in all government offices and Post Offices.
- The reinstatement of an Electoral Participation Fund to assist Electoral Registration Officers with the transition to IER.
- The threat of a fine for not responding to an ERO request information should be retained.

Overview

6. The switch to IER is predicted to result in a serious fall in the number of registered voters. According to the IER Impact Assessment, the gap in completeness in the electoral register as a result of the transition could be as high as 20% (or 7 million voters) which is double the current best estimate of approximately 10%.⁴³ This is mainly due to the decision not to hold a household canvass in the year that IER will take effect (2014). Instead, all the voters that already have an entry on the register will be invited to register individually, but those who fail to do so will be carried over for one year. As the quality of electoral registers degrades by about 10% over the course of the year (mainly due to population movement) the register will contain many inaccuracies. Combined with the aforementioned 10% estimated gap in the completeness, this means that approximately 20% of eligible voters may not be invited to register individually and could thus be missing from the list in 2014.⁴⁴

7. This figure is devastating in itself, but it does not factor in new electors or anyone wishing to cast a postal or proxy vote in 2015. These voters must register individually under the new system. As registering will involve supplying personal information which some electors may

⁴³ *Individual Electoral Registration Impact Assessment* (June 2011) <http://www.official-documents.gov.uk/document/cm81/8109/8109.pdf>

⁴⁴ *Ibid.*,

be reluctant to provide, and it will be an entirely personal choice whether or not to register, it is reasonable to expect that the gap could be a lot wider than predicted.

8. IER will require greater effort on the part of voters to get on the list. Supplying additional personal information, such as National Insurance numbers, raises the “costs” of voting in terms of both time and effort, which is known to depress registration levels.⁴⁵ Those who are already unenthusiastic about voting will be even less likely to bother registering. When Northern Ireland moved over to IER in 2002, the number of registered voters immediately fell by 10%.⁴⁶ Although the Electoral Commission puts this down to a reduction in fraudulent and duplicate entries,⁴⁷ the fact remains that in 2005 the Northern Ireland authorities were forced to reinstate tens of thousands of electors onto the list who had failed to complete the forms or provide the correct personal information to arrest a significant decline in registration.⁴⁸

9. Low registration levels are closely associated with low turnout. Low turnout is an

10. issue of deep concern to the Electoral Reform Society because of the damaging effect on legitimacy and accountability, and is a sign of a ‘sick democracy’.⁴⁹ Furthermore, there is considerable evidence to show that both voter registration and voter turnout in Britain are unevenly distributed, reflecting the political alienation of certain black and minority ethnic groups (although not others) and young people in particular, who are often identified as having lower levels of participation in the formal democratic process.⁵⁰ Official turnout statistics (based on the registered electorate) hide the true extent of this political dissonance in society. People who aren’t registered to vote miss out on opportunities to influence political decisions that affect their lives at both national and local level. Their voices are not heard and their opinions and needs are not addressed.

11. The White Paper includes some proposals to help assuage the expected decline in registration following the introduction of IER, for example data-matching schemes and opening up alternative online channels of registration. For the most part, ERS welcomes these proposals; however we do not believe that these measures alone can prevent a potentially catastrophic fall in voter registration during the transition period and beyond.

⁴⁵ Wolfinger, R. E. & Rosenstone, S. J. (1980). *Who votes?* New Haven: Yale University Press

⁴⁶ The Electoral Commission. *Northern Ireland Desk Research - Final Report* (2003)

http://www.electoralcommission.org.uk/_data/assets/electoral_commission_pdf_file/0010/16120/PWCFinalFinal_11397-8960_ENSW.pdf

⁴⁷ The Electoral Commission. *Northern Ireland Desk Research - Final Report* (2003)

⁴⁸ See, <http://www.parliament.uk/documents/commons/lib/research/rp2005/rp05-015.pdf>

⁴⁹ L. Baston & K. Ritchie. *Turning out or Turning off: An analysis of political disengagement and what can be done about it.* (2004) <http://www.electoral-reform.org.uk/images/dynamicImages/file4de9706c9bf74.pdf>

⁵⁰ The Electoral Commission *Understanding electoral registration: the extent and nature of non-registration in Britain.* (2005) http://www.electoralcommission.org.uk/_data/assets/pdf_file/0020/47252/Undreg-FINAL_18366-13545_ENSW.pdf

12. We acknowledge that the transition to IER is taking place in climate of budget cuts. For this reason we have endeavoured to make a range of recommendations including some which we think could have a significant impact for relatively low expenditure.

Funding

13. The coalition Government has made clear that deficit reduction is its most urgent priority. The local government support grant thus falls by 12% in 2011-12. According to the Local Government Association this will equate to a funding gap of £6.5bn in this financial year alone.⁵¹

14. EROs have a statutory duty to compile and maintain accurate and complete electoral registers, and local authorities are required to provide sufficient funds and resources to ensure they do so. However, funding of electoral registration and the costs of elections to local councils is not ring-fenced and there is no dedicated budget. The Government has announced it has no plans to penalise authorities which fail to provide sufficient funding and recourses to enable EROs to fulfil their duties.⁵² The Government has also made clear its view that local government should be more flexible in its decisions to prioritise resources to protect essential frontline services.⁵³ We are concerned that budget cuts will have a negative impact on electoral services at precisely the time when EROs will be expected to do more.

15. The Government has emphasised participation and accountability in its constitutional reform agenda. The Localism Bill for example states: “local voters [...] need more opportunities in which to make their voices heard.”⁵⁴ Hence the Bill contains a package of reforms which include local referendums and elected mayors.⁵⁵ Reductions in electoral services provision will deny many voters the opportunity to make their voices heard, and the disconnect between voters and politicians—exemplified by declining turnout—can only get worse as a result. We believe the Government cannot afford not to invest properly in electoral registration and that it should be seen as an essential component in their broader agenda to deliver power to people...

“This Government will transform the state. Reversing generations of centralisation. Putting power into people’s hands. Because the job of government is not to run people’s lives. It is to help people to run their own.”

Nick Clegg, Liverpool, 20 September 2010

⁵¹ *Local Government Finance Report 2011-12 9th February 2011* <http://www.lga.gov.uk/lga/aio/16720540>

⁵² HC Written Answers. 6 September 2010, c304W

⁵³ HC Written Answers. 8 Jun 2010, c121W

⁵⁴ *Decentralisation and the Localism Bill: an essential guide*, <http://www.communities.gov.uk/documents/localgovernment/pdf/1793908.pdf>

⁵⁵ *Ibid.*,

16. The IER Impact Assessment lays out the estimated cost of data matching schemes.⁵⁶ These schemes would allow EROs to access public databases for the purpose of identifying unregistered voters and checking entries for accuracy. If the pilots are deemed to be successful it will be rolled out more widely and may go some way to ensuring more complete and accurate electoral registers. However, it will be down to local authorities to decide whether to use data-matching schemes and the additional costs will ultimately be borne by local authorities. This coincides with the Government's austerity package and cutbacks in the local government support grant.

17. In attempting to explain why registration levels have fallen from previous levels in the 1990s, the Electoral Commission states that money saving measures such as stopping door-to-door canvassing and reducing overall amount spent on the annual canvass may be a contributory factor⁵⁷ (personal canvassing is known to raise response rates.⁵⁸) This is largely attributed to the availability of postal voting on demand since 2000, which has placed an increasing burden on EROs with little or no extra resources. Reducing expenditure on the annual canvass allowed them to free up resources for managing postal voting, but this has come at a cost in the number of registered voters through reduced levels of canvassing.⁵⁹ One local authority report from this period justifying the move to an all postal canvass noted that stopping the use of personal canvassers would result in cost-savings of around £15,000 but would see a "potential drop in response of 5–8%".⁶⁰

18. According to the Electoral Commission's assessment of performance standards, eight EROs did not meet the standard for house-to-house canvassing in 2010, and three of these have not met the standard for three years in a row.⁶¹ The Commission reports that in discussions, some EROs took the view that house-to-house canvassing was not always feasible due to financial constraints, especially in rural and densely populated areas. Another reason identified for not carrying out a check on all properties was the cost or difficulty of recruiting and retaining canvassers.⁶²

⁵⁶ Electoral Commission, *Individual Electoral Registration Impact Assessment* (June 2011) <http://www.official-documents.gov.uk/document/cm81/8109/8109.pdf> p.4

⁵⁷ Electoral Commission. (March 2010) *The completeness and accuracy of electoral registers in Great Britain* http://www.electoralcommission.org.uk/_data/assets/pdf_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf p.42

⁵⁸ Devore, D. *Compiling the Electoral register 1996* (1996) London: HMSO.

⁵⁹ Electoral Commission. (March 2010) pp.42-43

⁶⁰ Ibid.,

⁶¹ Electoral Commission (April 2011) *Report on performance standards for Electoral Registration Officers in Great Britain Third analysis of performance* http://www.electoralcommission.org.uk/_data/assets/pdf_file/0020/116444/ERO-Performance-Report-Final.pdf

⁶² Ibid.,

19. We agree with the Electoral Commission's view that EROs must provide appropriate resources to support a personal visit even in challenging urban/rural situations. However, we would add that EROs must have adequate resources available to them in order to process increasing numbers of postal votes and for canvassing door-to-door.

20. In order to encourage participation and assist EROs to fulfil their duties, the Ministry of Justice made available a £2.5m Electoral Participation Fund in the financial years 2007-08 to 2009-10. The fund was under-used and under-publicised: only 73 local authorities applied for grants in 2009-10 totalling £427,000.⁶³ Out of the 34 EROs identified by the Electoral Commission as having consistently performed below standard,⁶⁴ only four made applications to the fund in 2009-10. The fund was terminated in the emergency Budget of 22 June 2010.

21. It is estimated that approximately 20% of the eligible electorate (7 million voters) will be missing from the register when the switch to IER is made. In order to meet this challenge and ensure that every eligible voter is able to do so in the 2015 General Election, we ask that the Government reinstate the participation fund. This should be widely publicised and EROs should be encouraged to make use of the fund.

Threat of Fines

22. It is currently an offence for electors not to respond to an ERO request for information or to give false information. Any person that refuses to supply information is liable to a maximum fine of £1000. Under the White Paper proposals these fines will be abolished. It asserts that no compulsion should be placed on an individual to register.

23. The consequences of moving from a de facto compulsory system of registration to a purely voluntary system as proposed in the White Paper have not been fully explored. Under a completely voluntary system, electors who are reluctant to provide their personal identifier information are unlikely to bother registering. The experience of Northern Ireland is telling when in 2005 approximately 70,000 electors were reinstated onto the electoral register (without personal identifiers) ahead of the General Election and a further 90,000 in December 2005 as an emergency measure in response to a collapse in registration following the adoption of IER.⁶⁵

24. Recent research on the effectiveness of fines for boosting registration rates is not forthcoming, and indeed prosecutions are exceptionally rare. However, the threat of a fine is bound to mean that some electors will respond to an ERO request for information. We

⁶³ *Electoral Participation Fund Breakdown by Local Authority*, www.parliament.uk/deposits/depositedpapers/2011/DEP2011-0983.xls

⁶⁴ Electoral Commission (April 2011)

⁶⁵ The Electoral Commission. *Electoral Registration in Northern Ireland: Accuracy and Comprehensiveness Research Report* (2008) http://www.electoralcommission.org.uk/_data/assets/pdf_file/0009/64872/Accuracy-and-Comprehensiveness.pdf

believe it is worth maintaining the threat of fines. Removing this one compulsory element in the registration process could have serious repercussions that have so far not been adequately addressed.

ERO Performance

25. Section 9A of the Representation of the People Act 1983, as inserted by section 9 of the Electoral Administration Act 2006 places a statutory responsibility on EROs to maintain complete and accurate voter lists, including making house-to-house enquiries, to ensure that the residents present are correctly included on the register.

26. Since 2009, the Electoral Commission have measured the performance of EROs against a series of standards.⁶⁶ In 2010, ten EROs did not meet their obligations on ensuring the completeness and accuracy of electoral registration records.⁶⁷ EROs who do fail to take sufficient measures to register electors can be convicted of an offence under section 63 of the Representation of the People Act 1983. To date, no ERO or electoral official has been fined for failure to discharge their section 9A duty.⁶⁸

27. The Electoral Commission can only make recommendations to improve performance and offer guidance on electoral registration practice. It has no power of sanction and cannot make EROs (or Returning Officers) follow their recommendations or comply with any of their guidance. We would, therefore, like to see the Electoral Commission take on the role of an independent regulator, similar to that of OFSTED, with stronger powers to raise standards and the ability to sanction under-performing EROs who continually fail in their statutory duties.

- We would also like to see improved best practice sharing between local authorities and EROs. For example, a UK wide conference for heads of democratic services.

Transitional Carry-Over Arrangement

28. The IER Impact Assessment explains the Government's preferred implementation method of IER in 2014. All registered electors as of 1 July 2014 will be contacted and invited to register individually. This will be voluntary and if electors fail to do so their names will be carried forward for one year. IER will only be compulsory for new or late registrations. There will be no household canvass in 2014, but this will be retained from 2015 onwards when IER will become compulsory.

⁶⁶ Electoral Commission. *Performance standards for Electoral Registration Officers in Great Britain First analysis of Electoral Registration Officers' performance April 2009*

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0011/74099/ERO-REPORT-FINAL.pdf

⁶⁷ Electoral Commission (June 2011) p.14

⁶⁸ HC Written Answers. 6 September 2010, c298W

29. An alternative option of holding a household canvass in 2014 and based on the response invite electors to register individually was discounted. The reasons given can be summarised as follows: it might be confusing for voters to have a two-stage process; it might delay the completion of the 2014 register which might pose a risk to the General Election campaign in 2015; a household canvass goes against the principle of individuals taking responsibility for their own registration; and it would cost more money.⁶⁹ Therefore, a transitional carry-over arrangement would be put into place instead.

30. We would argue that the estimated 20% gap in completeness of the register poses a risk to the 2015 General Election. A household canvass in 2014 would close the gap by approximately 10%, and ensure that the electoral register would be as accurate and up-to-date as possible for the individual write-out. We would also point out that the problems of a two-stage process, as highlighted in the impact assessment, will be true for the following year(s) as it will be retained from 2015 onwards.

31. Cost appears to be the principal consideration for the decision not to hold a household canvass in the transition year (an estimated £85.5m net compared to £37.9m net for an individual write-out alone). This is a significant difference, however, we would caution against striving to make savings in this critical year. We believe that a household canvass combined with a voluntary individual write-out in 2014 would be more effective than the proposed transitional carry-over arrangement in ensuring that as many electors as possible will be able to vote in the 2015 General Election.

32. It remains the case that under our winner-takes-all system, where the majority of constituency seats are rendered safe for one party or another, the power to affect the outcome rests with the minority of swing voters in marginal seats. With the loss of an additional 20% of electors through non-registration, the accumulative effect is to create a democratic wasteland where the ability to influence the important decisions that affect our lives will be concentrated in even fewer hands. Public policy will be skewed in order to win over the small pockets of voters whose votes actually count, while the views and opinions of everyone else will be ignored. This is highly damaging to our political system and we do not believe it is cost-effective to make temporary money saving measures in electoral registration.

Election Day Registration

33. In Britain, the deadline for registering to vote is currently 11 days before Election Day under the rolling registration method, (the White Paper does not mention whether this will be the case under IER). The final weeks and days of the election campaign period is always the most intense and interesting, so un-registered voters who may have their interest peaked during this time, or have a pang of civic duty will have lost their chance to vote.

⁶⁹ *Individual Electoral Registration Impact Assessment* (June 2011)

34. Election Day Registration (EDR), or same day registration, is an innovation that is increasingly being used in the United States in response to some of the lowest registration levels in the democratic world. Currently, nine US states (including the District of Columbia) now have some form of same day voting.⁷⁰ As the name suggests, EDR would allow voters to turn up at the polling station, register and vote all in one go. There is now a considerable body of evidence to show that EDR increases registration and turnout rates significantly. A fairly typical summary of the literature reveals that a 2-6% increase in registration can be expected as a result of EDR.⁷¹ In addition, demographic groups with lower registration rates see the largest gains, especially among those who have recently moved address.⁷² Dēmos is one of the biggest proponents of EDR in the US. They point out that on average the states with EDR found their turnout rates were 10-12% higher compared to those which did not.⁷³

35. The theory behind EDR is that it reduces the time, energy and informational costs of voting. This idea is derived from the “Down’s equation” which contends that rational citizens only vote if the benefit of doing so outweighs the cost.⁷⁴ Wolfinger & Rosenston develop this further and assert that: “registration raises the costs of voting. Citizens must first perform a separate task that lacks the immediate gratification characterising other forms of political expression (such as voting)”.⁷⁵ Therefore, the more permissive the registration laws the fewer barriers there are to casting one’s vote. Individual Electoral Registration will certainly increase the costs in voting. However, the ability to register and vote on the same day will go some way to assuaging it.

36. There are of course, downsides. Concerns over fraud are a big factor in the debate on EDR in the States, although there is little in the way of documented proof.⁷⁶ With IER identifiers and proofs of identity this should not be a major issue and is far more secure than

⁷⁰ Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin, Wyoming and Washington DC

⁷¹ See, Alvarez, R. M & Nagler, J. (2011) Election Day Voter Registration in California *Demos Policy Brief*. Spring 2011. http://www.demos.org/pubs/CA_EDR_Report-Demos.pdf; Alvarez, R. M., Ansolabehere, S. & Wilson, C. H. (2002) *Election Day voter registration in the United States: How one-step voting can change the composition of the American Electorate*. http://minnesotaindependent.com/wp-content/uploads/2009/10/vtp_wp5.pdf; Briens, C. L. & Grofman, B. (2001) Election Day registration’s effects on US Voter turnout. *Social Science Quarterly*, Vol 82:1, 170 – 181; Fenster, M. J. (1994) The impact of allowing day of registration voting on turnout in US elections from 1960 to 1992. *American Politics Quarterly* Vol 74 22(1)

⁷² Caltech/MIT Voting Technology Project. *Election Day Voter Registration in the United States* (June 2002) http://minnesotaindependent.com/wp-content/uploads/2009/10/vtp_wp5.pdf

⁷³ Dēmos (2009) *Voters Win with Election Day Registration* (Summer 2009) http://www.demos.org/pubs/voterswin_09.pdf

⁷⁴ Downs, A. (1957). *An economic theory of democracy*. New York: Harper & Row

⁷⁵ Wolfinger, R. E. & Rosenstone, S. J. (1980).

⁷⁶ U.S. Election Assistance Commission. (2006). *Status report to the voter fraud-voter intimidation research project*. <http://www.usatoday.com/news/pdf/2006-10-11-electionreport.pdf>

the current system. It would also complicate Election Day administration and potentially overwhelm polling station staff without adequate preparation. Staff would have to serve two tasks—registering voters and assisting them as they cast their vote. In the US, some polling stations have “greeters” who help direct voters to a table where they can register or where they can vote. Staff would also need to know where to send voters who turn up to the wrong polling station. There would certainly be other issues to consider, such as whether to provide for provisional ballots to ensure that voters who are unable to prove their eligibility or identity on the day are still able to vote. However, given the success of same-day registration in the US, we strongly recommend that the government gives EDR serious consideration.

Registration at Government Offices

37. The proposals enabled by the draft legislation makes it possible to integrate electoral registration into other day-to-day transactions with the Government. This is common in the United States. US citizens can register in many places: at their county or government registration office; at their motor vehicle agency; at universities; schools and hospitals. The National Voter Registration Act 1993, or “motor voter” law requires states to provide citizens with the opportunity to register or re-register at public agencies when they apply for a driver’s licence or social security benefits. In some ways the law has been very successful: about 40% of US voters register at the Department of Motor Vehicles alone. However, this is not a particularly good measure because it is impossible to know how many of these citizens would have registered in any case.

38. Recent studies are not forthcoming, although estimates of the potential effects of the Act suggest a 4% increase in turnout over a span of five elections.⁷⁷ Highton & Wolfinger conclude that non-political young people in their mid-20s (who are highly mobile and most have driver’s licences in the US) are very susceptible to the Act and therefore stand to benefit most.⁷⁸ Other writers point out that the law has had little clear impact on overall levels of registration and turnout, and note that registration fell after the law was passed and implemented.⁷⁹

39. We believe that that there should be as many opportunities to register as possible. Registration forms should be available at all government offices and Post Offices, and electors should be reminded to register to vote in every official transaction – when applying for a passport, drivers licence, social security, registering for council tax, or whatever the transaction might be.

Constituency Boundaries

⁷⁷ Knack, S. (1995) Does “motor voter” work? Evidence from state-level data. *Journal of Politics*, 57. 796 – 811

⁷⁸ Highton, B. & Wolfinger, R. E (1998) Estimating the effects of the National Voter Registration Act of 1993. *Political Behaviour*, Vol. 20, No.2. 79 – 104

⁷⁹ Alvarez, R. M., Ansolabehere, S. & Wilson, C. H. (2002)

40. In the UK, we use the registered electorate as a base for measuring constituency size. This is not an unusual approach for drawing parliamentary seats, and compares well internationally.⁸⁰ However, it does rely on electoral registers being as complete and accurate as possible. With the coalition Government committed to redrawing constituency boundaries to reduce their number and equalise their size⁸¹ the introduction of IER could have wide reaching effects on how we are represented.

41. The main administrative factor is that some people who are qualified to vote—for example those who have lived in a whole house for several of years—are easy to get on the register. Other voters, such as young and mobile people, certain ethnic minority groups, private sector tenants, those who live in subdivided accommodation, or people disadvantaged by language and literacy are very difficult to get on the register. The Electoral Commission has identified large-scale under-registration in urban and deprived areas, for example it found that the registration rate in Glasgow City was just 75.7% in 2008.⁸² This suggests that some seats are actually under-represented under the current arrangements. IER will result in much more volatile electoral registers than at present, and it will be on this data that future districting will be based.

- We raise this point to highlight how a potential collapse in registration will affect other aspects of the Government's constitutional reform agenda, and the importance of ensuring that everything possible is done to ensure the completeness and accuracy of the register.

Conclusion

42. The Electoral Reform Society welcomes the opportunity to input into proposed changes to the electoral registration law, and would be happy to give oral evidence or provide further written materials to the Political and Constitutional Reform Committee. We are keen to assist in any way we can to ensure that the transition to IER will be a success.

September 2011

⁸⁰ See, <http://aceproject.org/ace-en/topics/bd/bdb/onePage>

⁸¹ Parliamentary Voting System and Constituencies Act 2011(c.1) London: HMSO.

⁸² Electoral Commission (March 2010) p.59

Written evidence submitted by Scope (EA 13)

1. Scope very much welcomes this opportunity to contribute to the Committee's inquiry on the Government's plans to introduce individual electoral registration. We would also welcome any further opportunity to give more detailed oral evidence to the Committee about the proposed changes to the electoral registration system.

2. In this briefing, we have focused on the change to individual registration and the implications that this raises for disabled people, however we would be happy to provide evidence to the Committee on additional proposed changes to electoral administration and how these would impact on disabled people.

About Scope

3. Scope is a major disability organisation whose aim is drive the changes that will enable every disabled person to have the same opportunities to fulfil their life ambitions as non-disabled people. We provide a range of services to disabled people transition, residential care, domiciliary care and empowerment in the community. Many of the disabled people we support have complex needs. We believe that all service developments designed to support disabled people should enable them to become increasingly independent and to live their lives within the community of their choice.

Summary of main points on the move to individual registration

4. Scope believes that the introduction of individual electoral registration has the potential to increase the accessibility of the current system for disabled people. During the last two decades, Scope has been raising greater awareness of the barriers that many disabled people experience in exercising their right to vote. In considering changes to the registration system, we are keen that the Government takes into account ways in which the registration system could be used to facilitate greater accessibility by enabling disabled people to specify their access needs at the point of registration.

5. In addition, we are particularly encouraged by the proposal to modernise the electoral registration system through the introduction of electronic ways of registering. Scope strongly supports the move away from a system that is entirely reliant on the completion of paper forms. This would improve accessibility by helping to overcome some of the barriers that the current paper-based system poses for disabled people, as well as facilitate multi-channel voting in future elections.

Main advantages of introducing individual registration for disabled people

Recording access needs at the point of registration

6. Scope greatly supports the change to a system of individual electoral registration, as this would give electoral administrators an opportunity to provide election information such as polling cards or postal voting packs in accessible formats to disabled voters. This is dependent on a person's preferred format being recorded at the time of registration, for example whether an individual would prefer to receive information in large print, audio tape, Braille or another language.

7. This has the potential to deliver better access to electoral registration and voting for disabled people, as voters with specific information requirements would get all future correspondence in a format they can access meaning they are kept in touch with registration and elections and therefore their ongoing participation is ensured. It would hugely increase the inbuilt accessibility of the current process which is otherwise becoming as accessible as it can get for disabled people.

8. There is ample evidence that local authorities vary considerably in the extent to which they make alternative formats available for disabled voters. Scope is aware that the better performing local authorities have taken steps to ensure that disabled voters who need information in alternative formats receive it in a way that meets their needs. However, even in such cases, Polls Apart research has found that information on how to request an alternative format may not be straightforward for disabled voters to find. As the experience of this voter highlights: *'I had to make a special request to get my polling card in Braille. Information on requesting polling cards in Braille was not easy to find'*⁸³. This lack of awareness may present important barriers for many disabled people, whereas ensuring that electoral administrators actively seek information about each voter's access needs as part of the registration process would help overcome these problems.

9. Such information, if collected at the point of registration, has the potential to be used in various ways. It could be used, for example, to ensure that polling card instructions are tailored to an individual's access needs. There has been some level of progress in terms of including access information on polling cards, however our Polls Apart research has found that this information remains primarily limited to access into the polling station: *'The polling card included information that the polling station has wheelchair access, but no other access information'*⁸⁴. Depending on an individual's specified needs when registering, the information on the polling card could be better tailored to those needs.

10. In addition, the registration process could be used to record disabled people's requirements in terms of access to the polling station itself. This would help inform planning for the elections, and allow electoral administrators to provide a better service to disabled

⁸³ Respondent at the Polls Apart survey for the 2010 General Elections

⁸⁴ Ibid

voters by ensuring that access needs that are recorded during registration are met at election time.

11. When considering how individual registration could be implemented in practice, there is a need to be aware that the electoral registration form itself can be a barrier to registration. We agree with the Government's proposed approach for the form not to be prescribed by statute. This would allow, in our view, for enough flexibility for the form to be designed in an accessible form, and also ensure that there is sufficient space for both the collection of personal identifiers and access needs.

12. Scope recommends that the Committee should raise the need for the Government to ensure that the way in which the new individual registration system is designed takes into account disabled people's needs at the outset. In particular, there is a strong case for using individual registration to record the individual needs of electors at the point of registration, in order to meet those needs from registration to casting the ballot.

Modernising the electoral registration system

13. Scope welcomes the proposal to transform the current system and use diversified methods for registration, including electronic means. Electronic registration could facilitate greater accessibility for disabled voters who would have difficulty in completing the paper-based form without assistance. This would help increase the number of disabled people who can vote unaided and in privacy through a means of voting that is accessible to them.

14. Some disabled people may have difficulties in completing a form themselves. Electronic registration is crucial where assistance from family members is not readily available, such as for disabled people living alone in their homes, or for disabled people for whom the process for returning the registration form poses particular problems: *I sometimes find it hard to get to a post box let alone a polling station. My son has Asperger's syndrome and I would have to leave him with someone that he and I both knew and trusted. I've tried to register online, but you have to download and print the form off to send it by post*⁸⁵.

15. This would be of importance given that the new system will require individuals to provide additional personal identifiers as part of the registration process. Electronic registration would provide greater privacy to disabled voters who may find the paper-based system inaccessible so that they do not have to disclose personal data only because of their need for assistance in using the paper forms.

16. We would stress that an issue that needs to be given careful thought is ensuring that all the steps in registering electronically do not pose any access barriers to disabled people. For

⁸⁵ Ibid

example, there could be a risk that having an access code to fill in the registration form online may render the whole process inaccessible for particular groups of disabled people if the barriers that could arise at the initial stage of being sent the respective code have not been adequately taken into account.

17. Scope recommends that the Committee recommends the Government ensures that the mechanism for completing the registration form electronically is made as simple as possible and consideration is taken of disabled people's needs when designing the entire process.

Registration within a residential care context

18. Individual registration is an important step in helping to prevent deliberate non-registration of disabled people. As part of the move to the new system, Scope believes that guidance needs to be issued to managers of residential accommodation for disabled people about all aspects of voter registration and voting, including how they can support residents to register and assist them when completing their forms.

19. The guidance should highlight the need for the decision to register to be of the disabled person themselves, and not by any person acting on their behalf. This should caution against making assumptions which question a disabled person's entitlement to register as a result of perceived lack of mental capacity.

20. Scope recommends that the Committee highlights the need for the Government to ensure mental capacity is assumed under a system of individual registration, particularly within a residential care context. To this end, guidance setting out managers' responsibilities in relation to registration should be issued.

21. Specific issues that we would like addressed in order to make individual registration work for disabled people

The personal identifiers required at registration

22. Scope agrees with the Government's proposal to introduce personal identifiers when registering as a means of increasing the security of the registration system. However, we believe that careful consideration should be given so that the choice of personal identifiers does not adversely impact on disabled people.

No signature requirement

23. We support the Government's decision not to require voters to sign the registration form. The requirement for postal vote applications to be signed has posed particular challenges for

disabled people who may not be able to make a distinctive mark or sign in a consistent manner. While in such cases disabled voters may be granted an exemption, the need for a signature did make the system more inaccessible by creating additional obstacles for disabled people.

24. To ensure that there is consistency across the registration and voting process in terms of the personal identifiers required, we recommend that the Government also removes the signature requirement for postal vote applications and postal ballots. The requirement was introduced to enhance the security of postal votes under the current system of household registration. As there will be greater safeguards to prevent fraud and misuse of postal votes with individual registration in operation, we believe that this then also eliminates the need for a signature within postal voting.

Requirement for the national insurance number and date of birth

25. We have concerns that requirement of a national insurance number would not only increase the complexity of the system, but also that there may be difficulties with this requirement for those disabled voters without a national insurance number. In such cases, there is a need not only to inform people of the need to provide these identifiers under the new system but also of the possibility of providing alternative identifiers. Also, we would stress that local authorities should be required to offer assistance to people on request, including on issues with regard to personal identifiers, and the availability of such assistance should be publicised on the form.

26. Moreover, it is important to recognise that as the collection of identifiers for postal voting has demonstrated, at least in the transition period the collection of identifiers from electors could result in a greater number of registrations being rejected. This could be a result of mismatched date of birth and/or national insurance number, or because of incomplete information. We believe that it is imperative that electoral registration officers have a mechanism in place to follow up and invite the provision of new identifiers for those electors whose registrations were rejected due to a mismatch of identifiers or incomplete information. This would help minimise the risk that electors, including disabled people, are excluded.

Alternative identifiers and other issues around individual identifiers

27. Scope is keen that there should be a comprehensive list of alternative identifiers. In particular, careful consideration should be given not to disadvantage disabled people living in a residential home, who may not only not have a national insurance number but also have difficulties in producing alternative evidence such as utility bills etc.

28. In order to be in a better position to assess the potential impact of the collection of personal identifiers on disabled people, the Government should seek to publish as soon as possible the draft regulations which will contain much of the detail of how individual registration will work in practice, including the identifiers that will be required.

29. Scope would recommend that the Government ensures that disabled people are made aware of the new requirements, as well as the possibility of providing alternative identifiers. When mismatched information is provided, electoral registration officers should have a responsibility to invite provision of new identifiers by voters.

The proposed transitional carry forward arrangements

30. The proposed transitional arrangements allow carrying forward those voters who fail to register under individual electoral registration. Scope agrees that such arrangements need to be put in place to mitigate against a drop in registration levels in the transition period to the new system. However, we have significant concerns with regard to the Government's proposal in the White Paper that would make registering under the new system a compulsory requirement before granting applications for postal or proxy.

31. We believe that this proposal fails to recognise the potentially far-reaching consequences for disabled people. Postal voting provides an alternative for many disabled people who are not able to get into a polling place due to the inaccessibility of the current system. Scope's Polls Apart research at the 2010 General Election found that 69% of polling stations posed one or more serious access barriers that could prevent a disabled person from being able to vote independently⁸⁶. If this were implemented, disabled people who may be less informed of the change to the new system of individual registration could be deprived of the only means that is accessible to them to cast their votes.

32. Furthermore, we are concerned about the extent to which disabled voters would be made aware of the requirement to be individually registered to access postal voting in the transition period to the new system. The task of explaining the new system to those eligible to be registered would inevitably involve a range of different important changes. This would pose the risk that any information about the more detailed requirement of having to register individually to access postal voting being drowned out in the context of informing voters of the wider changes that the new system would imply.

33. Scope would recommend that the Committee raises with the Government the need to ensure that the transitional arrangements will not inadvertently disenfranchise many

⁸⁶ Scope (2010), Polls Apart 2010 - Opening elections to disabled people, <http://www.pollsapart.org.uk/docs/Scope-Polls%20Apart%205%20Report.pdf>

disabled people, by virtue of them being more reliant on postal voting as a way to overcome the current inaccessibility of the system but also potentially less informed of the possibility of losing their postal votes unless they register individually.

Concerns about a drop in registration levels due to individual registration

34. Scope supports the proposal for the coordination in 2013 of a public awareness campaign with the initial 'write-out' to electors inviting them to register under the new system. We would suggest that publicity campaigns in accessible formats should be undertaken at a local level to reach a greater number of disabled people.

35. We note that the Cabinet Office has currently commissioned the Electoral Commission to undertake a research study into rates of under-registration among the electorate. Scope would suggest that the Committee recommends that prior to the introduction of new system, the Government should also examine the extent of under-registration among disabled people specifically to be able to accurately monitor the impact of individual registration.

September 2011

Written evidence submitted by the London School of Economics (EA 14)

About identity policy research at the LSE

1. Identity policy research at LSE received a particularly high profile in 2005 when the LSE's Identity Project⁸⁷ published its initial analysis of the previous Government's proposals for biometrically based identity cards.⁸⁸ Since then the research team has conducted numerous in-depth studies of technologically leveraged identity policies in the UK⁸⁹ and provided expert advice on this issue internationally.⁹⁰
2. The LSE identity policy research team is contributing to the Cabinet Office's Identity Assurance programme and we are participating in the Identity Assurance (IdA) Privacy and Consumer Group.
3. In this context we had a meeting with Colin Dingwall (MoJ) and David Rennie (Cabinet Office) in April 2011 to discuss the privacy implications of the proposals for Individual Electoral Registration (IER) and how they might interact with the IdA work.

Some concerns

4. Whilst we recognise the desire to move from the existing method of household canvass to individual electoral registration, we have a number of concerns about the direction of the proposals that are currently being developed.
5. It is a little surprising that the fact that once an individual has submitted an individual electoral registration form (and assuming that they don't move) they will never be required to register again is only noted towards the end of the main IER document.⁹¹
6. We welcome the fact that a Privacy Impact Assessment (PIA) has been undertaken for IER and agree that a full assessment is the appropriate response to these proposals. However, there is a significant disconnect between the Impact Assessment presented to Parliament⁹² dated June 2011 and the IER proposals (CM8108) also presented to

⁸⁷ <http://identityproject.lse.ac.uk>

⁸⁸ <http://identityproject.lse.ac.uk/mainreport.pdf>

⁸⁹ See Whitley EA and Hosein G (2010) Global challenges for identity policies. Palgrave Macmillan, Basingstoke and Whitley EA and Hosein G (2010) Global Identity Policies and Technology: Do we understand the Question? Global Policy 1(2), 209–215.

⁹⁰ See Davies S and Hosein G (2007) Identity Policy: Risks and Rewards, report prepared for the U.S. Federal Trade Commission, available at <http://www.ftc.gov/bcp/workshops/proofpositive/ftc-identity-final.pdf>

⁹¹ <http://www.cabinetoffice.gov.uk/sites/default/files/resources/individual-electoral-reform.pdf> (IER) Para 80

⁹² <http://www.cabinetoffice.gov.uk/sites/default/files/resources/individual-electoral-reform-impact-assessment.pdf> (IA)

Parliament dated June 2011.⁹³ The PIA notes that there will be privacy impacts due to the “[c]ollection of additional personal data that electors are not currently required to provide”.⁹⁴ The PIA continues by noting particular mitigations put forward by the Government. In particular, it claims “[a]dditional personal data collected will not form part of the electoral register—the information currently captured on the register will remain the same.”⁹⁵ However, the IER document states that it is proposed that “that EROs should retain the data on DOB (but it should not be included in the register itself) to enable a more accurate comparison of entries to allow ineligible duplicate entries to be removed, as well as potentially supporting data matching”⁹⁶. We are concerned by this technological sleight of hand whereby data is collected and stored but is mitigated simply because it is not on ‘the electoral roll’ when, in practice, it is more likely to be added to any existing system that generates the electoral roll rather than a brand new and completely independent computer system. This also calls into question the thoroughness of the existing PIA.

7. A similar technological oddity exists with regard to the claim that “[t]here will be no new national database created as a result of implementing IER”.⁹⁷ Whilst this is, in its narrowest interpretation, correct there are implicit plans for extensive data sharing between the 386 EROs such that there could be a (logical) national database that runs counter to the spirit of the Coalition Agreement.
8. Whilst the case for IER is strong, we believe it is undermined by over-reliance on one data point, that is that “40% of people surveyed for the Electoral Commission’s Winter Research 2010” believed electoral fraud is a very big or fairly big problem. However, as the Electoral Commission itself notes, the increase in the 2010 figures “may in part be explained by high-profile press reports including the petition in Oldham East and Saddleworth involving the former MP Phil Woolas. It may also relate to concerns raised, and widely reported by journalists and politicians alike, about electoral fraud at the 2010 UK general election”.⁹⁸ Indeed, the average concern about electoral fraud between 2003 and 2010 is closer to 34%, with no obvious rising pattern.
9. In analysing the proportionality of any IER process, it is important, therefore to balance “public perceptions” with an appreciation of the scale of the problem. Again, the Electoral Commission’s own analysis is instructive (and should have been included in the PIA). It reports that the ACPO PNICC recorded 63 cases associated with registration

⁹³ IER

⁹⁴ Page 34 of IA PDF

⁹⁵ Page 35 of IA PDF

⁹⁶ Page 13 of IER PDF

⁹⁷ Page 35 of IA PDF

⁹⁸ http://www.electoralcommission.org.uk/_data/assets/pdf_file/0013/109012/Integrity-report-FINAL-no-embargo.pdf Page 5 of PDF

offences during 2010.⁹⁹ There are indeed methodological challenges in identifying electoral fraud, and this would be a more sincere attestation as to why action is needed even though the extent of the problem is poorly understood. We are very concerned that in its current form this appears to be public-perception-based policy, and in turn we are worried that a solution may not necessarily match the real problem.

Conceptualising the issue

10. Although the documentation provides some useful clarifications such as differentiating between verification (of a person's identity) and determining their franchise and eligibility, a few other concepts will help. Thus, the IER proposals currently only address the initial registration process (including checks on eligibility) and there are no plans to confirm identity claims at the stage of voting (where there were 96 cases in 2010).
11. As the Impact Assessment notes: "Currently, both the canvass and the rolling registration processes are trust based with no proof of entitlement required".¹⁰⁰ In Identity Assurance terms, this is the lowest level of assurance (self asserted claims) whose usefulness is further reduced because these claims to identity and eligibility are indirectly asserted (by the householder completing the canvas) rather than the individual themselves.
12. The IER proposals therefore aim to enhance the confidence in the registration process by undertaking two steps. First, moving from household based claims to individual based claims. Second, by moving these claims from self-asserted to tested status.
13. In addition, and indirectly related, the IER proposals seek to be able to identify individuals who ought to be (offered) the opportunity to be on the electoral roll but who currently aren't.
14. From this perspective, a number of the existing (and ongoing) parts of the electoral registration process seem particularly anomalous. Thus, the electoral register "is also supplied to credit reference agencies and is an important tool used by financial institutions in the UK to verify a person's identity when processing an application for credit or opening a bank account".¹⁰¹ That is, under the proposals for IER the electoral roll becomes a breeder document for checking whether someone is eligible for inclusion on the electoral roll.¹⁰²

⁹⁹ http://www.electoralcommission.org.uk/_data/assets/pdf_file/0018/109044/All-2010-cases-by-RPA-section-and-outcome.pdf

¹⁰⁰ Page 8 of IA PDF

¹⁰¹ Pages 8-9 IA PDF

¹⁰² Collings T (2008) Some thoughts on the underlying logic and process underpinning Electronic Identity (e-ID). Information security technical report 13(2), 61-70.

15. The solution to this anomaly is straightforward: we recommend that additional regulations be introduced to *prevent the use of electoral purposes for anything other than electoral registration*. That is, it should not be available as a data point for identity verification by the credit reference agencies or other such bodies. It would also address the fraud concerns outlined in the impact assessment.

Just-in-case provisions

16. As noted above, IER is based around individually given and “tested” claims as to eligibility to be added to the electoral roll. It is proposed that the following data items normally be collected to test this eligibility:

- Full name (first name, middle name or initial(s), family name)
- Full residential address including postcode
- Nationality
- Declaration of truth—declaration that all information provided is true and correct
- Date of birth (new requirement)
- National Insurance Number (NINO)—where possible (new requirement)
- Immigration status—if non-British or non-EU Commonwealth citizen (new requirement)
- Declaration as to whether they are/have been registered elsewhere in the last 12 months (new requirement)
- Previous address where registered in the last 12 months (new requirement—currently requested but not mandatory)

17. We have no basis to question whether this dataset is the minimum required for determining eligibility for inclusion on the electoral roll and assume that it is. However, we do have concerns with how long many of these data items will be held “just-in-case” of allegations of registration fraud (see section 9 above). For example, the NINO will be held for up to 6 months,¹⁰³ the DoB will be retained indefinitely “just-in-case” it is needed to check if someone with the same name and date of birth is registered in another constituency.

18. In the case of DoB and constituency checks, one would hope that this will be a by-exception check rather than having every single registration for every constituency cross checked with every single registration at every other constituency, however statements like: “[c]hecking a common name in *all* electoral registers could create thousands of

¹⁰³ Para 59 of IER PDF

matches making the process of identifying ineligible duplicate entries impossible. However the DoB would reduce the number of matches significantly and help to identify those ineligible duplicate entries that should be reviewed”¹⁰⁴ and individuals will remain on the register unless “(iii) information from other data sources, including other information held by the local authority (and potentially in the future, *Data Matching with national data*) prompts the ERO to make further enquiries”¹⁰⁵ suggest that the big-database mentality of government is still alive and well.

19. Another ‘additional’ data field that is not listed in the documentation is the record of “those who choose not to return an individual application form”¹⁰⁶ although this data field will not be a permanent record¹⁰⁷. Similarly the date the IER application was signed will also need to be recorded by the EROs¹⁰⁸ and details of the individuals that any IER application form lists might be living at the same address.¹⁰⁹
20. Although the Privacy Impact Assessment mentions the need to securely destroy records of NINOs once they have been used for verification¹¹⁰ presumably this will need to apply to all the additional data collected as noted above.
21. We question the need for a proposed new offence for the disclosure of personal data provided by an applicant in their electoral registration application as it would imply that this data is not currently covered by the provisions of the Data Protection Act and suggests a lack of confidence in the powers and penalties available to the Information Commissioner’s Office. It also risks increasing the regulatory complexity around privacy and data protection in the UK, where different kinds of systems (rather than data items) are accorded different protections. Indeed, whilst some of the data that will be collected is classified as sensitive personal data and some not, operationally it might be more effective for all this data to be held with the same levels of security as the sensitive data requires.

Addresses

22. In addition to verifying the identity of the applicant, the IER proposals also involve checking that the person has a ‘genuine association’ with a ‘genuine address’. Whilst much useful checking of whether an address is genuine can be made using the Local Land and Property Gazetteer, the genuine association is more problematic and the proposal

¹⁰⁴ Para 60 of IER PDF. Emphasis added

¹⁰⁵ Para 85 of IER PDF. Emphasis added

¹⁰⁶ Para 65 of IER PDF

¹⁰⁷ Para 74 of IER PDF

¹⁰⁸ Para 66 of IER PDF

¹⁰⁹ Para 70 of IER PDF

¹¹⁰ Page 40 of IA PDF

that the “[t]he ERO will create an audit trail through sending a document containing a unique identifying number (UIN), or code, in the post to the applicant. The applicant will be required to return the UIN or code to activate their registration. Processes will need to ensure that a UIN or code sent by post is not re-directed to another address because the value of this process lies in the fact that the post is delivered to and returned from a specific physical location”¹¹¹ does seem to be the weakest link in the process as a determined fraudster could intercept such letters relatively easily.

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¹¹¹ Para 56 of IER PDF.

Written evidence submitted by the London Borough of Tower Hamlets (EA 15)

Background

1. The canvass return rate in Tower Hamlets for the 2011 Register of Electors, published on 10 January 2011, was 84.4%, leaving nearly 16% non-responding properties. Tower Hamlets has a high proportion of gated and private blocks (7%), which are difficult to canvass due to entry systems or concierge refusing entry. In addition to this, we have a significant amount of short term company lets where the residents are only in situ for a few weeks and therefore do not respond.

2. The annual canvass in Tower Hamlets is conducted in three main stages:

Stage 1—canvassers to knock and collect initial voter registration forms over a four week period, then hand deliver remaining forms

Stage 2—canvassers to knock and collect reminder voter registration forms over a four week period, then hand deliver remaining forms

Stage 3—Royal Mail to deliver final reminder voter registration forms, with a four week period to respond

3. Over the last five years using over 130 canvassers to make personal visits from the beginning of the annual canvass has resulted in an average of 40% properties responding to the canvassers visits at stage one and a further 25% responding to the canvassers visits at stage two. The remaining returns are from the telephone/Internet services used for no changes or via the post.

REGISTER	2007	2008	2009	2010	2011
Electorate @ 1 December	152,372	152,466	156,712	160,278	169,181 (10/1/2011)
Properties @ 1 December	101,657	104,610	103,944	108,690	111,310
Canvass Form Return	82%	82.20%	86.84%	81.76%	84.40%
2 year non-responder deletions	n/a	n/a	4,507	4,467	3,251
Opt Outs from Edited Register	65,377 (42.9%)	40,658 (26.7%)	71,013 (45.3%)	103,006 (64.27%)	115,572 (68.31%)
Young Attainers (16/17 years)	1,449	1,550	1,210	2,190	1,741
Over 70's	10,818	11,063	10,540	10,222	9,939

European Union citizens	9,571	10,796	12,259	13,125	14,677
Service Voters	25	23	21	31	36
Overseas Voters	44	43	51	66	233
Crown Servants	9	4	6	9	12
Telephone Response Line (% responded properties)	6,837 (8.3%)	4,573 (5.4%)	5,805 (7.4%)	4,689 (5.43%)	5,031 (5.48%)
Internet Service (% responded properties)	6,233 (7.6%)	5,012 (5.9%)	6,554 (8.3%)	5,444 (6.3%)	6,311 (6.87%)
Absent Voters	12,658	17,712	15,284	15,642	22,865
Postal Vote applications sent	n/a	n/a	13,095	12,647	5,634
Proxy Vote applications sent	n/a	n/a	256	249	219

4. Annually we have an average of 50% of properties who have changes to their registration details during the canvass period.

5. Any resident who refuses to register during the annual canvass period are sent a letter and a copy of the regulations confirming the requirement to provide their details. At the end of the canvass period, the properties are checked again to confirm if they have completed a voter registration form.

6. If no form has been returned, the resident's details are confirmed on the council tax system and handed over to our Legal department. Legal will then write to each individual, giving them a final opportunity to register. If they fail to return a form, a summons is issued, giving the resident a date to appear in court. Each year we issue an average of 70-75 summonses, but when the court arrives, this will reduce to around 7. In 2010, five residents were fined and ordered to pay a total of £365 each. In 2011, five of the seven residents due to attend court were fined and ordered to pay a total of £365 each. The other two residents, who were repeat offenders, were ordered to pay a total of £465 each.

7. Over the past three years we have developed many initiatives to improve the accuracy of the register and encourage registration through—Citizenship ceremonies, Household registration forms in our one-stop-shop reception areas, Household registration form sent out with new council tax bills and Household registration forms on our website. The statistics for the 2011 Register are as follows:

MONTH	ADDITIONS	DELETIONS	AMENDMENTS	TOTAL	ELECTORATE
4th January					Published on 10th January

					2011
1st February					169,181
1st March	732	409	84	1,225	169,496
1st April	857	550	115	1,522	169,809
4th May	1,350	2,028	163	3,541	169,132
1st June	744	885	112	1,741	168,994
1st July	803	1101	63	1,967	168,696
2nd August	718	656	82	1,456	168,759
1st September	1683	1046	169	2,898	169,397
YEARLY TOTALS	6,887	6,675	788	14,350	

Tower Hamlets Data Matching Approach

8. Tower Hamlets chose the whole borough to trial the data matching process. Following receipt of the initial data set from DWP, where there were more than 500,000 records returned, we asked for a further match to take place with matching currency of the records to be reduced to 2 years (in line with the life of the Register). This resulted in a reduction of around 100,000 records.

9. There are 24,675 DWP records where the names on the DWP database match with a void ERO property. These matches were conducted by Nick at eXpress, who came to our offices on two occasions to conduct additional matches for us. These records have loaded all of these records into eXpress and we will monitor the response throughout the canvass period. If, towards the end of October, we have not received a response from the property, we will write out to the named individual and ask them to confirm their residency.

10. There are 83,783 ERO records that have not been matched against the DWP database records. Again, we have loaded all of these records into eXpress and will monitor the response throughout the canvass period. If, towards the end of October, we have not received a response from the property, we will write out to the named individual and ask them to confirm their residency.

11. The letter will confirm we are conducting a pilot for the Cabinet Office and have received information from a government database that does not match the records held on our current Register.

12. Each year, we remove around 4,000 electors as a result of the 2 year non-responders. So again, there may be some people in this dataset who will be deleted naturally through these removals.

13. There are a further 39,863 DWP records where we currently cannot match the names to an address in the borough. We will manually match as many of these records as possible before the start of the annual canvass and load the records into eXpress. During the canvass period, we will carry on matching the addresses and load them into eXpress periodically. However, if all else fails, we will take a sample of these records (% from each ward) and carry out additional manual checks throughout the canvass period.

Preliminary results of data matching with DWP

- 169,397 records provided by the ERO
- 286,675 records received back from DWP
- 106,860 confirmed matches (up to 55% match)
- 139,952 additional data matches found by the ERO to addresses
- 39,863 manual matches to perform with Council Tax records and previous registers of which, 2,700 (see table 1) were manually matched before the start of the canvass

Table 1: Preliminary Manual Data Matching Codes and Results as @ 12/8/2011

- 1 = Property and Elector match – 133 (4.93%)
- 2 = Property Only match – 1,645 (60.93%)
- 3 = Property Only match, but confirmed Elector Move by ERO – 188 (6.96%)
- 4 = Property Not Identified – 62 (2.3%)
- 5 = New Property Identified – 2 (0.07%)
- 6 = Incorrect Postcode/Address – 85 (3.15%)
- 7 = Confirmed Commercial Property – 6 (0.22%)
- 8 = Foreign Nationals – 76 (2.81%)
- 9 = Elector Search – found at another address – 1 (0.03%)
- 10 = Property Identified, new elector found – 494 (18.3%)
- 11 = Duplicate DWP entry – 8 (0.3%)

Identifying eligible and non-eligible electors

14. At present the results do not show whether these are indeed accurate records. This will only become clear as the canvass progresses and additional matches are undertaken. During the initial manual match in table 1, we identified 494 new residents, who were sent a personalised Registration form to complete. To date, 55 forms (11%) have been completed and returned.

15. It is also clear that the data contains people who should not be followed up as a missing elector as a result of one of the following circumstances:

- Non-qualifying nationality. The DWP data does not provide nationality which is one of the criteria for registration.
- Duplicate records held by the DWP. Due to the way data has been presented back, we are unable to establish the level of duplicate entries existing in the DWP data.
- Confirmed Moves. With a high population churn, there are a number of properties with multiple electors who have been confirmed as moved by the new resident, or confirmed by council tax records.
- Out of date records. Again, with a high population churn and migrant communities, a number of properties appear to have an unrealistic number of records for potentially missing electors on the DWP list. This could be potential fraudulent activity in the source data.

Issues with the data matching process

16. The data was returned as multiple line entries for each matched property. Additionally the data was returned with duplications to allow property matches to occur which created additional confusion and an inability to identify genuine entries within both data sets.

17. Due to the absence of the LLPG reference or a returned eXpress property reference from the DWP data match, the quality of the addresses incurred additional manual checks, which could have been avoided.

18. Use of inconsistent abbreviations, WY, ST, AV, AVE, CL, in the DWP data created difficulties with property matches.

19. The use of middle names, in full by DWP, but only initials by the ERO caused additional mismatches.

20. Tower Hamlets is concerned about the transfer of data, which was sent via the GCSX network. The data was split into four files by the ERO and sent to DWP for matching. DWP returned a large amount of data in 21 separate files, which was rejected by the ERO due to the currency of the data.

21. The data was matched again by DWP using a currency value of 2 years. The re-matched data was returned in 12 separate files. To receive the data from DWP, the authority was

required to confirm via email that they were ready to receive the data. Once confirmed, DWP would release the first file. This email was stopped by the authorities firewall due to the data being password protected. The email had to be released by ICT. The authority was then required to confirm to DWP via a further email that the data had been received, before the next data file was released. This process had to be followed for all 12 DWP files and took a considerable time to complete.

Additional comments

22. Identifying new residents from within the DWP data set does not allow the authority to add the residents on the register due to lack of additional information required—nationality, exclusion form the edited register etc. These residents can only be invited to register by sending them a registration form. This can be seen as an additional onerous task, with already stretched resources.

23. In order to maximise use of the information, data matching should be performed during the rolling registration period, prior to the annual canvass. This will give the authority time to write out to individuals found during the data match.

24. All new electors identified from the DWP data were checked as still current with our council tax records, prior to being sent a registration form. This exercise has identified the need to set up communication with our own internal departments, to alert us when a resident moves into or out of a property within the borough. We can then allow a period of 2-4 weeks to enable the resident to settle in, before writing out to each person, inviting them to register.

Move to IER

25. It is currently envisaged that the annual canvass will continue, but will now be a request for information—the household enquiry form. The ERO will be required to send an individual registration form to every eligible person on the household enquiry form, enabling them to register should they so choose.

26. The implications of this voluntary, not mandatory provision will almost certainly have an impact on registration levels within the borough. In Tower Hamlets, I would guesstimate this to be in the region of 20-25%.

27. With the introduction of IER in 2014, an opportunity arises to register ALL residents in the borough, thus creating a 'complete' register of electors. At the time of an election, those residents who are not eligible to vote can be identified in the database with a 'classification mark' and a separate register produced for election purposes.

September 2011

Written evidence submitted by the London Borough of Southwark (EA 16)

Background

1. The canvass return rate in Southwark for the 2010/11 register of electors was just over 92% of properties, giving 8% non-returning properties. Southwark has a high population churn and concentration of typically under registered groups in the borough's profile.

2. Over the last 5 years an average of 50% of properties respond to a postal canvass request for information during the annual canvass. After some internal data matching to achieve an additional 10% response, the number requiring further canvassing (door to door visits) is approximately 40% of properties.

Year	% Return Rate	Number of Returning Properties	Local Electorate	Parliamentary Electorate
2002	77	88396	175,211	169,764
2003	65.24	75485	175,527	169,444
2004	75.47	88169	175,661	168,750
2005	78.33	93003	183,936	175,872
2006	85.21	102895	191,544	182,087
2007	84.2	101756	193,842	182,143
2008	88.18	106475	192,881	179,656
2009	91.36	111598	189,714	175,426
2010	92.24	117638	192,937	177,545

Table 3: Return rate from annual canvass, with electorates

3. Annually an average of 35% of properties have changes to their registration details during the canvass period.

4. The highest turnout achieved in an election in the authority area over the same time period was at the combined local and general election in May 2010 which saw a turnout of approximately 60%.

5. Prior to the introduction of the required steps to take as part of the annual canvass Southwark undertook a postal only canvass of properties and achieved a 65% response rate on the annual canvass in that year.

6. The introduction of personal identifiers to postal votes in 2007¹¹² saw a 21% drop in the number of registered postal voters in Southwark. It took two years for the number of postal voters to return to the pre-2006 level. Postal voters tend to be more likely to vote¹¹³, and tend to comprise of the settled population.

7. Registration levels dropped 10% in Northern Ireland with the introduction of individual registration in 2002. They dropped 16% in Belfast. Metropolitan areas in England have significant challenges in mobile population, high deprivation levels, low owner occupier numbers and other issues connected to an inner city profile.

8. The implications of the move to IER may be an impact on registration levels in the area, the ability to identify and tackle current under registration and the potential for even greater under registration levels.

9. Southwark has selected three wards within the borough to trial the data matching process:

- Riverside—Bermondsey and Old Southwark constituency
- Peckham—Camberwell and Peckham constituency
- Village—Dulwich and West Norwood

Preliminary results of the data matching pilots

- 30,840 records provided by the ERO
- 18,235 confirmed matches (59%)
- 1,745 records appearing as missing from the electoral register but appearing on more than one other data set (Map 1)
- 1586 records for properties at which the ERO had no one registered (Map 2)
- 6,477 DWP records (potential missing electors) put forward for follow up tracking and registration
- 347 identified non qualifying nationals in the missing DWP data
- 18 two or three bed properties containing more than 10 potential missing electors with many more at 7,8 or 9 names.

Identifying eligible and non-eligible electors

10. As is described in the process report, the data returned did not contain sufficient information to allow for follow up work to commence immediately and additional work has been undertaken with the data in an attempt to define a more likely set of individual names to follow up. At present the results do not show whether these are indeed accurate records.

¹¹² Introduced in the Electoral Administration Act 2006 and applied for the first time in January 2007

¹¹³ Postal vote returns consistently show a higher turnout than those voting in polling stations

11. We can identify some areas where improvements may help the process—this will be useful if the pilot as a whole is judged to be a success and there is rollout throughout the country. The results of the pilot will only be clear at the end of the canvass and trial period.

12. We have established that the data contains people potentially missing from the register who should not be followed up as a missing elector as a result of one of the following circumstances:

1. Non-qualifying nationality. The DWP data does not provide nationality which is one of the criteria for registration. The electoral register does not hold names of people who are not entitled to be registered. Some EROs (including Southwark) do record properties at which all residents have declared themselves to be from non-qualifying countries. This is not however a complete picture of the number of non-qualifying nationals in Southwark. At present we can identify 4% of the persons who have NINOs and are on the DWP records but are not on the register of electors as belonging to this category. We hope to have a clearer picture of the likely scale of this by the end of the pilot.
2. Duplicate records held by the DWP. Due to the way data has been presented back (where records have been deliberately duplicated by DWP to allow property matches to occur) we are unable to establish the level or not of duplicates existing in the DWP data at one property or indeed others. If it was possible to identify duplicates within the DWP dataset of people linked to properties, it may be possible to filter for some recent movers within the DWP data set.
3. Business premises have been identified amongst the missing DWP records. Further investigation will establish if any of these have a residential element that is not official but at present it appears that this is an area where care may be required. It is likely that these people are correctly registered at their residential address for electoral purposes.
4. Deceased people. In the initial data exchange it was clear that a number of deceased people were included in the information (including 161 people in the missing category identified as over 110 years old and which archiving records showed to be deceased). Whilst restricting the data in the second round to only those which have a currency of no more than two years removed all of these 161 records, other records identified as missing have been confirmed as either deceased or moved away from the electoral register or other local data sets. We are currently not in a position to quantify the numbers of these or to say whether they are the result of the time lag between data exchanges and information coming into the ERO from other sources or a problem with the source data currency at the time of matching.

5. Out of date records from high population churn and migrant communities. A number of properties appear to have an unrealistic number of records for potentially missing electors on the DWP missing list. For example one 3 bed terrace house has 14 adults names attached as potential missing and one 2 bed flat also has 14 adults listed. Whilst such living arrangements do indeed sadly occur it is also likely that some will be rental accommodation with a high population churn (where those who have moved have not been removed from the DWP records) or potential fraudulent activity in the source data.

13. In terms of electors likely to be removed as no longer eligible 6,773 electors have been identified as contained on the register of electors but not captured in the data matching with the DWP. This correlates with the expected population churn for the wards. Whilst the original proposal for Southwark was to conduct reviews on such entries, the changed timing of the pilot activity to coincide with the annual canvass will allow responses to household registration to capture the accuracy of these records with reviews (where necessary) in early December.

Concerns about the data matching process

14. Presentation of returned data. The data was presented as multiple line items for each matched property. If the data was presented as a single row of data per property it would be of much more practical value for the local authorities own internal data matching purposes. Additionally the data was presented with duplications to allow property matches to occur which created additional confusion and an inability to identify genuine duplicates within both data sets.

15. Quality of address data. Due to the absence of the LLPG reference , and even after having augmented the work of the DWP using locally held address matching software, only a 75% match rate of address data was achievable.

16. The second round of data exchange was missing 5750 records originally supplied by the ERO.

17. Use of inconsistent abbreviations in the DWP/CIS data—most likely a result of the CIS being a repository for several differing sources creating difficulties in property matches.

18. Supply of details for properties outside the wards or local authority area. This results from the fact that the DWP has to match using postcodes and full postcodes cross both ward and local authority boundaries.

19. Transfer of data and the data matching process. The pilot is concerned with testing the value of the data matching process and not the mechanics but it is evident that a significant

piece of work will be required to allow data matching to occur on any wider, sustainable and secure scale.

20. Currency of data and the need for real time data provision.

- It has been established that a major upload of data into the DWP system between the first and second matching exercises had a significant impact on the output match for Southwark. It appears that this was not known about until the local authority questioned the increased volume of matches.
- The local authority is able to identify how recent the activity/contact is from the property in relation to both the ERO records, Council tax and Housing. The way the data exchange has been implemented means we do not however know how recent the activity /contact with the people on the DWP data base is (other than within the last two years).

21. We are still unclear as to what information (and of what value) will be made available from Royal Mail. As time progresses the ability to include any output in any meaningful way is greatly diminished.

Additional Risks Identified to date

22. Lack of clarity about how the wider role of data matching may be used in the run up to and post the introduction of IER.

23. The need for DWP to have real time information – to prevent any delay in the currency of the data they hold.

24. Accessing DWP data post IER introduction. This needs to be both secure and easy to use, particularly with a view to confirmation of NI numbers in the context of the 11 day rule.

25. The value of the DWP data set is not proven in helping to identify the current missing residents who will receive the invitation to register in 2014. The risk exists of each individual data set used for data matching losing accuracy, currency and completeness, and hence the quality of the register of electors reduces. This is a particular risk in an environment where local authority resources are limited and data quality is not seen as a priority. The value post IER in identifying the additional fall off post 2015 therefore?

26. Prior to IER what is the likelihood of data matching (with DWP) as a means to identify settled population and move over to IER BY DEFAULT to allow for more resource targeted follow up? If we can match (depending on the part of the country in question) between 50% and 90% of existing entries—then if we can pull NI and DOBs across from this data set we can target resources much more effectively and hopefully reduce the potential drop off.

27. Elections in 2014 Euro and for London local councils—will not lead to maximum possible register for invite—post general would.

September 2011

Written evidence submitted by Open Rights Group ORG (EA 17)

1. ORG has long called for individual voter registration and so welcomes the consultation. The existing scheme is a significant weakness in our electoral system, a view echoed by the Electoral Commission and overseas election observers monitoring UK elections.
2. We are broadly happy with the content of the proposed changes to electoral registration. The exact detail of how data matching will be done by Electoral Returning Officers with government agencies will define the extent of possible privacy implications. However this detail is not clear at this stage. The proposals as currently set out are what we would have expected to see.

September 2011

**Written evidence submitted by Dr Stuart Wilks-Heeg, Director, Democratic Audit
(EA 18)**

General observations on the Government's White Paper on Individual Electoral Registration

1. This note offers a number of general observations with regard to the Government's proposals for Individual Electoral Registration (IER). In a separate note,¹¹⁴ I have also provided some more detailed evidence and commentary relating to trends in electoral registration and the incidence of electoral fraud.

2. I broadly welcome the Government's proposals for individual electoral registration, which was first advocated by the Electoral Commission in 2003. The Labour Governments of 2001-2005 and 2005-10 were cautious about moving to IER, however. A key reason for this caution was a legitimate concern about the likely impact on levels of electoral registration, particularly in light of the experience of introducing IER in Northern Ireland in 2002, which has reduced the number of registered electors significantly. Only part of this fall can be explained with reference to the removal of inaccurate, duplicate and 'bogus' entries (see my supplementary note on this issue). However, growing concerns about electoral malpractice during the 1990s added to the pressure on government to take action, resulting in provisions for IER being introduced in the Political Parties and Elections Act, 2009.

3. The proposals in the current White Paper dispense with the 'voluntary phase' of IER legislated for by the outgoing Labour Government, while also seeking to improve the effectiveness of IER as a means of maintaining the electoral registers. In seeking to accelerate the introduction of IER, the Government had placed considerable emphasis on the need to reduce the scope for, and incident of, electoral fraud (although, as my supplementary note suggests, there are signs that electoral malpractice may already been on the decline).

4. Given the above, there are a number of positive features about the proposal which I would want to underline to the Committee.

- (i) It is encouraging that the White Paper recognises the need to learn from the experience of introducing IER in Northern Ireland. In particular, while recognising that IER has generally worked well in Northern Ireland, the White Paper notes the importance of managing the transition to IER in a way that reduces the risk of eligible voters falling off the register. The provision to 'carry forward' electors who fail to register under IER so that they remain eligible to vote at the 2015 General Election is therefore a very important one—although it does raise the possibility that the

¹¹⁴ EA 18A

registers on which the 2015 election is fought could well contain more inaccuracies than would normally be the case (see below).

- (ii) I endorse the White Paper's view that electoral registration is ripe for modernisation. However, it is also important that the introduction of IER does not jettison tried and tested methods of updating the registers. It is especially important, in my view, that the White Paper indicates that no decision is to be made at this stage about the future of the annual canvass under IER. The annual canvass remains a vital tool for updating the registers in Great Britain, and an effective canvass will result in registers with high levels of completeness and accuracy. However, for reasons which are poorly understood, experience in Northern Ireland suggests that conducting a canvass can actually serve to reduce registration levels under IER. The White Paper's insistence that any decision to dispense with the annual canvass must first be approved by Parliament is therefore crucial.
- (iii) The provisions for data matching pilots are very encouraging and these appear to have been well thought through. However, it remains to be seen whether the other public databases which have been selected for this piloting will be sufficient to identify those individuals who are typically most difficult to register via the annual canvass.
- (iv) I also welcome the Government's decision to fund research which will produce a national estimate of the completeness and accuracy of the registers prior to the introduction of IER. This will be vital for the task of monitoring the impact of the changes. This research will complement the research evidence which will emerge in 2013/14 from the matching of 2011 Census records against register entries (which is the most reliable way of estimating the completeness and accuracy of the registers).
- (v) The recognition given to the issue of low rates of electoral registration among members of the armed services is also welcome, as is the proposal to focus some of the data matching pilots on service personnel (paragraph 99, page 26).

5. However, I also have some concerns about the proposals as they stand.

- (i) As a result of providing the assurance that non-respondents in 2014 will not be removed from the register, steps will need to be taken to mitigate the risk of the 2015 register being less complete and accurate than normal. If large number of electors

- (ii) The White Paper notes that the electoral registers are used for a number of purposes beyond elections, such as to verify the identity of people applying for credit or opening a bank account. However, the White Paper makes no reference to the role of the electoral registers in the redrawing of boundaries for parliamentary constituencies. If registration levels fluctuate significantly under IER, as they have in Northern Ireland, the implications for the boundary review process could prove to be profound. The implications of fluctuations in registration levels could prove particularly significant given the new requirements for all but four constituencies to have electorates within +/- five per cent of the arithmetic mean (electoral quota).
- (iii) I am somewhat surprised by the proposal not to proceed with the construction on a Coordinated On-line Register of Electors (CORE). While concerns about data protection may lie behind this decision, the absence of a single electronic register would appear to reduce the scope for EROs to use IER to weed out duplicate entries from the registers. In particular, I am not sure how EROs will be able to use the information about each elector's date of birth to identify ineligible duplicate entries in another EROs register.
- (iv) I am concerned by the emphasis on choice throughout the White Paper. Stressing that individuals have the choice about whether to register or not is a significant departure from the current system in which it is widely understood to be a legal requirement to complete an electoral registration form. Admittedly, the threat of legal action is very rarely used by EROs, and attempts to instigate such action are virtually unheard of. Nonetheless, it is highly likely that many electors will take the legal requirement to complete the form very seriously. An express statement that registering to vote is a matter of choice is almost certain to result in a decline in registration levels.

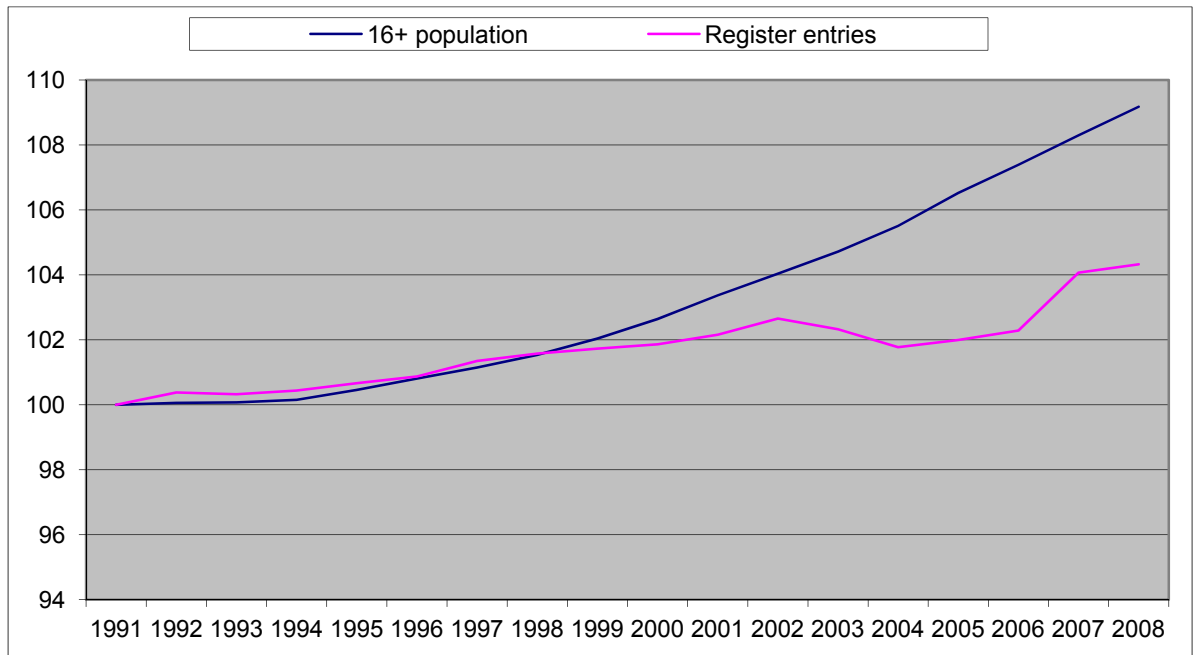
September 2011

**Supplementary written evidence submitted by Dr Stuart Wilks-Heeg,
Director, Democratic Audit (EA 18A)**

**Supplementary note on trends in registration levels and electoral malpractice
Falling registration levels**

1. There has been a gradual, long-term decline in levels of electoral registration in the UK. However, it is also clear that registration levels have received two substantial hits in recent decades. The first was in the early 1990s, when some 600,000 voters de-registered in an attempt to avoid payment of the Community Charge (Poll Tax). While levels of electoral registration recovered during the 1990s, there was another big drop in registration levels in the early 2000s. Figure 1 shows the change in the number of entries appearing on the UK's electoral registers from 1991-2008 compared to the change in the overall size of the voting age population over the same period. As the graph indicates, the number of entries on the electoral registers failed to keep pace with population growth from the late 1990s onwards. While part of the increase in the population aged 16 and above will have been explained by increased immigration (including adults ineligible to vote in the UK), the graph also shows an absolute decrease in the number of register entries from 2002-2004, equivalent to 560,000 voters.

Figure 1: Change in the UK population aged 16 and above and in the number of entries on the electoral register, 1991-2008 (1991=100)



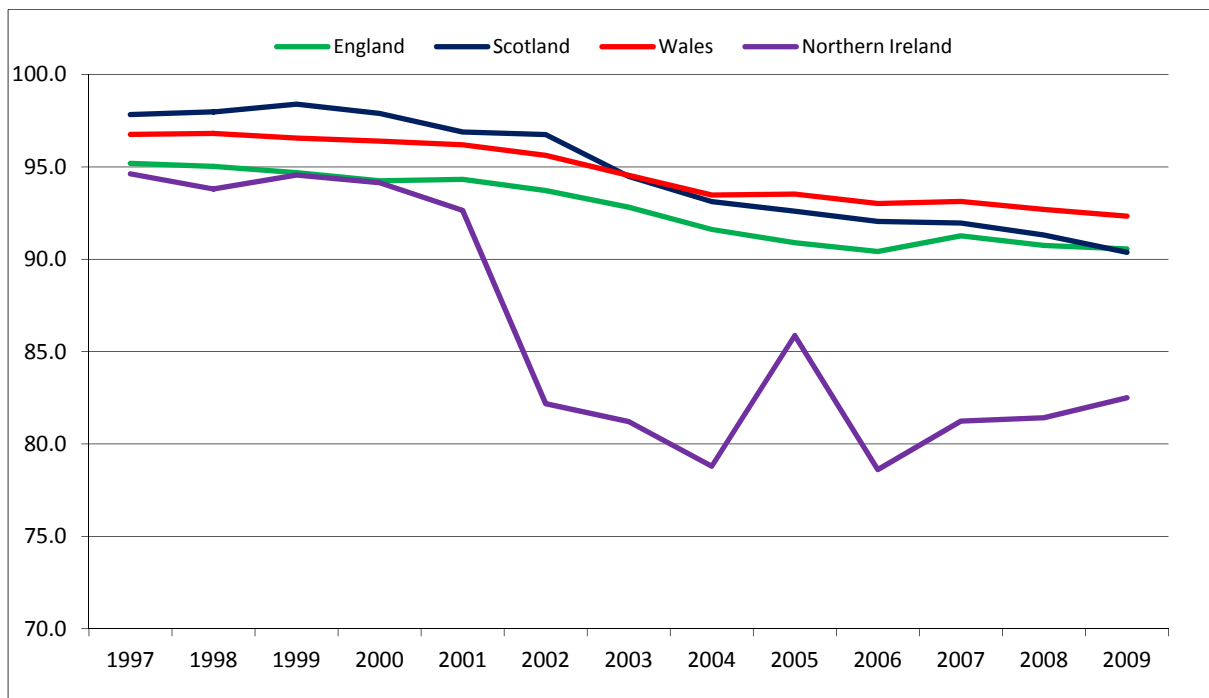
Sources: Calculated from [ONS, Electoral Statistics](#) and [ONS Mid-year Population Estimates](#)

2. About a quarter of this decline in the number of UK electors was associated with the introduction of individual voter registration in Northern Ireland—an initiative designed to

tackle allegations of electoral fraud, which is likely to have removed a number of illegitimate and duplicate entries from the register. However, it would also appear that the use of individual registration in Northern Ireland has served to reduce the overall proportion of eligible voters who appear on the register. As figure 2.1b shows, the notional registration rate in Northern Ireland (calculated by dividing the number of register entries by the total population aged 16 and over) dropped from just under 95 % in 1997 to just 79 % in 2004, and has since stabilised at around 82 %.

3. Figure 2 also shows that from 1997-2009 the notional registration rate fell in England, Wales and Scotland by 4, 5 and 8 percentage points respectively. Increased immigration, which artificially inflates the estimate of the voting-age population, again explains only part of the decline. Electoral statistics point to an absolute loss of 430,000 Parliamentary electors in Great Britain from 2002-2004, which has nothing to do with patterns of migration. Ironically, this decline in registration levels followed the introduction of ‘rolling registration’, designed to improve the state of the registers by enabling individuals to register at any time outside of the canvass period. It is possible that, following the RPA 2000, some local authorities opted to reduce expenditure on the annual canvass, on the assumption that electors who failed to respond would take up the opportunity to register via rolling registration. However, recent research by the Electoral Commission demonstrates that the take-up of rolling registration is low—with less than a quarter of home-movers making use of the provision.

Figure 2: Notional registration rate for England, Scotland, Wales and Northern Ireland, 1997-2009



Sources: Calculated from [ONS, Electoral Statistics](#) and [ONS Mid-year Population Estimates](#)

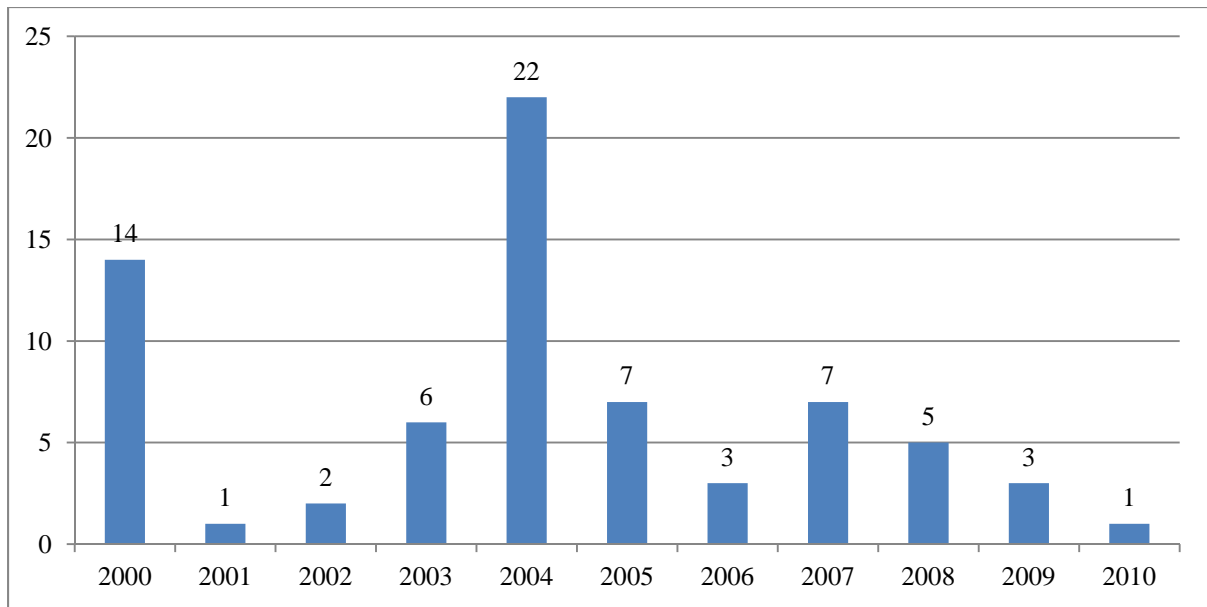
The incidence of electoral fraud

4. It is extremely difficult to estimate how much electoral fraud there is in the UK. In total, more than 100 people have been found guilty of electoral malpractice in the UK since 1994. The vast majority of convictions have involved postal or proxy ballots, often in conjunction with attempts to manipulate the electoral registers by registering bogus electors or adding electors to the register at empty properties.

5. The emergence of electoral fraud as an issue in UK politics in the past decade cannot be divorced from changes in electoral law since the 1990s, which introduced provisions for proxy voting and the widespread availability of postal voting. In particular, the introduction of 'postal voting on demand' via the Representation of the People Act 2000 created obvious opportunities for malpractice, especially when combined with a trust-based system of electoral registration. Electoral Registration Officers (EROs) have no real scope to verify a voter's identity, their eligibility to vote or whether they are already registered to vote elsewhere.

6. Figure 3 shows the number of known instances where defendants were found guilty of, or pleaded guilty to, electoral offences in a UK court from 2000-10. Although certain to underestimate the extent of fraud, these figures point to a very clear peak in offences in 2004, when all-postal voting trials were run in four English regions for the combined European and local elections. The graph also highlights that half of those found guilty of electoral malpractice over the decade committed their offences at elections in the period from 2003-05.

Figure 3: Persons found guilty of electoral malpractice in the UK, 2000-2010, by year of election



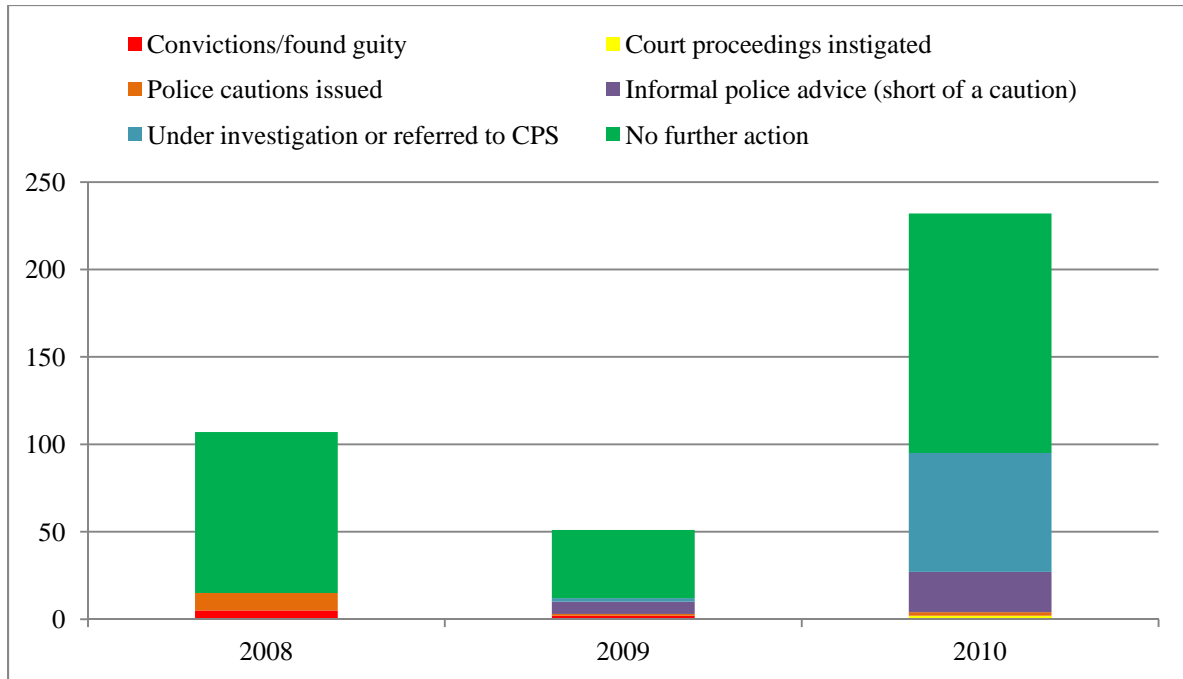
Sources: Base data for 2000-07 is from [Wilks-Heeg \(2008\)](#), appendix C. Additional data from: Electoral Commission/ACPO ([2009](#), [2010](#), [2011](#)); Lords Hansard 26 October 2010, column 252w; *Unlock Democracy - Stamp out Voting Fraud*.

Note: Statistics are based on known cases, as of 22 March 2011. A number of allegations reported to police in 2010 were still under investigation at this time.

7. The Electoral Administration Act of 2006 introduced a requirement for applicants for a postal ballot to supply ‘personal identifiers’ (their date of birth and signature), as a basis for the subsequent verification of their postal voting statement submitted at the time of voting. There have also been substantial improvements in the guidance provided by the Electoral Commission to electoral administrators and police forces and in the recording and monitoring of fraud allegations reported to the police. The clear decline in the number of convictions for electoral fraud since 2007 therefore suggests that recent efforts to safeguard the system appear to have been at least partially successful.

8. Since 2008 the EC has reported annually, in conjunction with the Association of Chief Police Officers (ACPO) on allegations of electoral fraud and their outcomes. However, while the EC/ACPO reports demonstrate that the number of prosecutions for electoral fraud has fallen substantially, they also show that accusations of malpractice remain widespread. Figure 4, based on the EC/ACPO figures, shows that there were over 100 cases reported to police forces in Great Britain in 2008 and a further 50 in 2009. In 2010, a general election year, the number of cases involving allegations of electoral fraud rose sharply. A total of 232 cases were reported to police in Great Britain in 2010 (with a further 25 cases in Northern Ireland), and allegations of fraud were reported to four-fifths of the UK’s 52 police forces.

Figure 4: Outcome of cases involving electoral malpractice allegations reported to the police, Great Britain, 2008-2010



Sources: Derived from Electoral Commission/ACPO ([2009](#), [2010](#), [2011](#))

9. The vast majority of cases resulted in no further action being taken and, as the graph shows, the number of convictions represents a tiny proportion (around 2 per cent) of all cases investigated. Of the 232 cases reported to police in Great Britain in 2010, 137 resulted in no further action. At the time the Commission reported on the allegations in February 2011, just one had resulted in a conviction and two in formal police cautions, while court proceedings had been instigated in one further instance. In addition, 23 allegations had resulted in the police providing informal advice, with a further 68 allegations still under investigation or awaiting advice from the Crown Prosecution Service (Electoral Commission, 2011). However, these figures also hint at wider evidence of malpractice than is captured by the number of convictions. From 2008-10, around one-tenth of cases examined by police resulted in the police issuing either formal cautions or providing informal advice short of a caution.

September 2011

Written evidence submitted by the British Youth Council (EA 19)

1. The British Youth Council (BYC), as the national youth council of the UK, empowers young people aged 25 and under, wherever they are from, to have a say and be heard. We aim to help them to participate in decisions that affect them, have a voice and campaign on issues they believe in, inspire them to have a positive impact, and gain recognition for their positive contribution to communities, society and the world.¹¹⁵
2. BYC supports the youth voice in decision making and the democratic engagement of young people through its programmes and services including support for the UK Youth Parliament—600 elected Members of Youth Parliament, the Young Mayor Network of directly-elected young mayors, and the Local Youth Council Network of over 450 youth councils in the UK.
3. BYC has a sixty year history of encouraging young people to vote. For example, BYC ran a General Election 2010 campaign to encourage young people to engage with prospective parliamentary candidates on their priority policy issues such as public transport and ending child poverty, and in 2006 was funded by the Electoral Commission to deliver a programme ‘Inform & Influence’ between 2006 and 2008 to raise political awareness amongst over 1000 young people at risk of being not in employment, education and training; 80% of those who attended training stated that their involvement made them ‘more likely to vote’.
4. BYC would like the Political and Constitutional Reform Committee to consider the specific challenges that young people may face using the individual electoral registration process, and welcome working with the Committee to consult young people and their representatives further on this issue. We believe that young people will have questions and concerns about the new requirement to provide a date of birth and National Insurance number when registering which need to be answered. We believe that young people would benefit from a national co-ordinated public awareness campaign, produced with young people for young people, to explain how to register to vote under the new system, and the new focus on sharing personal data and individual responsibility. Young people need to be empowered to register to vote themselves; in order to have control over this process they need to have sufficient accessible and youth-friendly information. We think that providing clear information about electoral registration process through the Citizenship curriculum, partnered with voter registration drives at schools, universities, and other places and services that young people use, will be key to increasing the proportion of young people who register to vote.
5. Shortly after the General Election 2010, BYC ran an online consultation with 1149 young people across the UK aged 10 to 25 years old on issues around political and electoral reform;

¹¹⁵ For further information on the work of the British Youth Council, and our membership, please visit <http://www.byc.org.uk>

49% of respondents being aged 18 to 25. As part of this consultation BYC asked young people to submit their ideas on how to increase the number of young people registering to vote and using their vote. We received 892 ideas from young people (78% of the total sample) to the question “What do you think needs to be done to encourage young people to register to vote and exercise their vote?” One of the key themes of these responses was the need to remove barriers to the registration of young voters and simplify the process. Young people highlighted the issue of having to print off and post the registration form. They also wanted information within the curriculum of how to vote, and the process of undertaking this while you have a home address and term time address at university. BYC would be happy to share more of these suggestions with the Committee; a small selection of the quotes from the young people involved is below:

- a. “[Voter registration] made simpler no forms just turn up and vote with id”. Female, 21, who didn’t register to vote in time for the General Election 2010.
- b. “More publicity of deadline by which you have to register to vote by etc. More polling stations in town centres and increased flexibility of which polling station you can use”. Female, 18, who voted in the General Election 2010.
- c. “Make it easier to register to vote. Currently you can fill out the form online but still have to print it off and post it”. Female, 22, who voted in the General Election 2010.
- d. “Simpler explanations [of the voting process]? More hands on activities like in town, instead of just reading leaflets?” Female, 14.
- e. “As many 18 year olds who need to register to vote are in education, at a college or a sixth form, it could be possible to visit these places to personally encourage them to register and to offer some advice on how to, or even do it there and then!” Male, 18, who was too young to vote in the General Election 2010.
- f. “Make the system easier, add it to the curriculum and encourage schools to set up an opportunity to register”. Female, 17.

6. BYC has also previously outlined young people’s interest in being able to vote online or by email and would be interested to discuss further the opportunities for the use of new technologies in the voting process that could be coupled with the implementation of individual electoral registration. When BYC asked young people in 2008 “Do you think that more young people would vote in elections if they were able to vote online, by email or by post?” 83% of participants agreed that it would.¹¹⁶

September 2011

¹¹⁶ British Youth Council, September 2008, Consultation response to the Ministry of Justice, The Governance of Britain: Election Day – weekend voting consultation. Available from: <http://www.byc.org.uk/resource-centre/policy-briefings-and-consultation-responses.aspx>

Written evidence submitted by The Labour Party (EA 20)

Introduction

1. Electoral registration is the source from which democratic participation flows. Those who are not registered are denied that participation, so it is of great concern that more than 3.5 million eligible but unregistered electors are estimated not to be able to vote in this country, or to be taken into account by the Boundary Commission when constructing parliamentary constituencies.¹¹⁷ Tellingly, the Government itself now acknowledges that even this figure may be an underestimate.¹¹⁸ It is clear, therefore, that there is a problem with the electoral register that needs to be tackled.

2. The Labour party supports the principle of individual electoral registration (IER). We agree that a system of individual registration in Great Britain would represent a step forward in improving the integrity of the electoral register. We also believe that there are other principled, important arguments in favour of individual registration. That is why, in 2009, we legislated with all-party support to provide for a change from household to individual registration through the Political Parties and Elections (PPE) Act.

3. The core objective of this legislation is, similarly, the creation of a system of IER. Any criticisms that we make of this White Paper are not, therefore, directed against its ultimate objective. Instead they are directed at some of the proposed means for achieving it. Before outlining those criticisms in detail, it is useful to look back at the legislation providing for individual registration which the Labour Government introduced in 2009, as this sought to avoid the pitfalls which threaten the current Government's scheme.

Background and Summary of Key Issues

4. The measures on individual registration in the PPE Act were based on the twin principles that the electoral register should be as complete as possible and as accurate as possible. Completeness means that everyone who is eligible to vote is registered to vote; and accuracy means that all those who are on the register, are eligible to be on the register. These two objectives were coupled together to mitigate the real risk that IER will make an already incomplete register even less comprehensive.

5. That risk was starkly exposed by the Northern Ireland experience, where the introduction of individual registration in 2002 led to an immediate and sharp decline in the number of registered electors (of around 11%). At least some of the drop in the numbers registered in Northern Ireland was due to the removal of the "carry forward" of electors who had been on the previous household register; and as the Electoral Commission noted in its report on the implementation of individual registration in Northern Ireland:

¹¹⁷ Electoral Commission, *Understanding Registration*, (2005).

¹¹⁸ HM Government, *Individual Electoral Registration*, (2011), p.9.

“[It] tended to have an adverse impact on disadvantaged, marginalised and hard to reach groups. Young people and students, people with learning difficulties and other forms of disability and those living in areas of high social deprivation were less likely to be registered and encountered specific problems with the new registration process.”¹¹⁹

6. The Electoral Commission report continued:

“While these findings relate directly to Northern Ireland, they are not unique and reflect the wider picture across the UK. They present a major challenge to all those concerned with widening participation in electoral and democratic processes.”¹²⁰

7. Given these concerns, the PPE Act put the Electoral Commission at the centre of the move to individual registration; given new powers to help the transition take place as quickly as possible and charged with monitoring its implementation to ensure the twin principles of accuracy and completeness were met. If the Electoral Commission was not satisfied that the implementation was progressing safely, it was required to report its concerns to Parliament.

8. The legislation also established a phased programme for change beginning in 2010 with the voluntary collection of personal identifiers ahead of a move to compulsory individual registration in 2015. It also provided for the “carry forward” of electors on the previous household register for two further years, up to 2017. By then the register would be entirely composed of people who had individually provided personal identifiers.

9. This phased process was designed to create sufficient time to prepare the population for the new system, in recognition of the profound risk associated with moving to individual registration. The simple fact is that many individuals currently registered under the system of household registration would under a system of individual registration be required to provide personal information for the first time; and that this is very likely to deter some—perhaps many—from registering, unless important remedial action is taken.

10. This was recognised by the Electoral Commission during scrutiny of the PPE Act, when it cautioned that the introduction of IER:

“would be a major change to the electoral registration system in Great Britain. There will need to be detailed planning and identification of key milestones to provide the basis for moving towards implementation of individual electoral registration over a number of years, including the delivery of public awareness campaigns during any transition to a new system. There will also need to be a real effort to make sure Electoral Registration Officers throughout Great Britain have the right tools to ensure all those who are entitled to be registered to vote are helped to do so.”¹²¹

¹¹⁹ Electoral Commission, *The Electoral Fraud (Northern Ireland) Act 2002*, (2003), p.6.

¹²⁰ *Ibid*, p.59.

¹²¹ Electoral Commission, *Political Parties and Elections Bill, House of Lords Second Reading*, Briefing, 18 March 2009.

11. In addition, Peter Wardle, speaking for the Electoral Commission during the beginning of the committee stage consideration of the legislation, said that the transition would need to be a:

“two to three year gradual process until the register is complete and has a much greater degree of integrity, in that there are personal identifiers for each person registered. This is not an overnight fix. I think we are realistic about the time it will take.”¹²²

12. We agreed with the Electoral Commission’s broad analysis and our legislation took steps both to enhance the reach of the register and to frame the process in a way that would prepare the public for the transition to a new form of registration, as well as equipping EROs with the tools they needed to make the change work.

13. We believed that it was only by proceeding on this careful basis, with the transition planned over a number of years and with safeguards and supplementary measures built into the process, that risks could be mitigated and the completeness and accuracy of an individual register achieved.

14. The Labour Party is concerned that the framework for moving to individual registration proposed in this White Paper departs from the previous scheme in a number of critical ways, and in so doing represents a much more dangerous approach to this fundamental constitutional change than that taken in the legislation passed in 2009.

15. The purpose of this submission is to highlight the primary dangers: in particular, the very rapid timetable for change, the absence of appropriate safeguards, the erosion of the civic duty to register to vote, and the potential for a long term deterioration in the accuracy of the electoral register.

Timetable & Process

16. The draft legislation will repeal sections 30-34 of the PPE Act, which provided for the phased introduction of IER over a period of five years, beginning in 2010. As noted, this phase involved a transition from voluntary to compulsory collection of personal identifiers and also gave the Electoral Commission a central role in monitoring the progress with implementation and reporting to Parliament on the timetable.

17. This scheme and timetable was explicitly supported by all three principal parties in Parliament. As Eleanor Laing MP, the Conservative party front bench spokesperson, made clear during scrutiny of the proposals:

“I am very pleased to have the opportunity to put it on the record once and for all that we agree with the Government that the accuracy, comprehensiveness and integrity of the register and of the system is paramount. That is one of the reasons why we will not oppose the timetable the Minister has suggested this evening. I do not intend to vote against these Government amendments because I fully appreciate the Minister’s

¹²² Hansard, *Political Parties and Elections Public Bill Committee*, 6 November 2008, c.60, Q154.

argument. I always have appreciated it, and I believe that it is right to take this matter forward carefully and step by step.”¹²³

18. Those comments were echoed by David Howarth, the Liberal Democrat front bench spokesperson, who said:

“We need both comprehensiveness and security, and I am pleased that the Minister intends the approach that he has chosen to produce both ... I do not think that anybody was suggesting that the timetable be artificially shortened, or that any risk be taken with the comprehensiveness of the register.”¹²⁴

19. In light of the very clear consensus for the timetable for IER established by the PPE Act, it is a matter of some concern that the draft legislation put forward by the current coalition proposes to remove those safeguards and simply bring IER into force in 2014. There are to be no regular milestones, no voluntary phase and the role of the Electoral Commission is to be significantly downgraded.

20. In just one respect is there a nuance in the timetable. The White Paper states that the legislation will put “*in place a safeguard for the General Election in 2015 so that existing electors who fail to register under IER in 2014 are not removed from the register*”.¹²⁵

21. This safeguard is designed to mitigate the risk that a large number of electors may drop off the register in the early phase after the introduction of IER, which would undermine the legitimacy of the election.

22. In other words, the electoral register published on 1 December 2015 will be entirely composed of individuals who have provided personal identifiers. This is significant, because the electoral register on 1 December 2015 will form the basis of the next boundary review, which was set in law by the Parliamentary Voting Systems and Constituencies Act.

23. It is a matter of concern that while the draft legislation contains a safeguard to ensure that the 2015 general election is not undermined by a significant decline in registered electors, there is no such safeguard for the boundary review, which takes place later the same year. If people registered under the old household system are to be carried forward for the general election, it would seem sensible to ensure they are also carried forward for the boundary review a few months later.

24. Given that any disparity in the electoral register between 30 November 2015 and 1 December 2015 will be instantly obvious, the effect of a significant reduction in the number of registered electors would be to discredit a boundary review conducted on the new register. That would have serious consequences for British democracy.

¹²³ Hansard, 13 July 2009.

¹²⁴ Ibid.

¹²⁵ HM Government, *Individual Electoral Registration*, p.20.

25. The Government should therefore think again about the cut off date for the carry forward, and consider extending it to cover the 2015 canvass. If it is argued that this would extend the carry forward too far, then the solution must be to delay the start date for individual registration. Given that a general election and a boundary review are due to take place in 2015, it seems odd to choose 2014-15 as the period in which to introduce IER. It would surely make more sense to begin the process later, or least extend the period of its implementation.

26. That would at least ensure the legitimacy of the next general election and boundary review.

27. As it stands the change to IER in 2014-15 threatens to undermine both. The boundary review is clearly at greatest risk of being disrupted because of the potential for large numbers of people to fall off the register at precisely the point the review begins. But the general election, despite the carry forward safeguard, is also in danger of being impacted because of changes to “absent voting” and proxy voting rights.

28. The draft legislation states that while individuals who are on the household register in 2014 will be carried over to the electoral register used for the general election, only those who have registered via the individual register may apply for a postal vote or proxy vote.

29. As a consequence, if they fail to register individually, many voters who have previously exercised a postal vote will be unable to do so as their voting status will change to “non-absent” voter. Political parties would wish to raise awareness amongst this specific group of voters, who will be eligible to vote in the 2015 election, that these changes are being made to their voting status. However, this could only be done if there is an ability to identify them on the register.

30. In that context, when parties are provided with the full electoral register, the Government should consider providing the data in a format which includes fields that can be used to identify those electors that have previously had an absent vote but who stand to lose it as part of the changes being proposed.

Erosion of Civic Duty to Register

31. The White Paper states that:

“It is currently an offence to fail to comply with a request for information from an ERO, or to give false information to an ERO”.¹²⁶

32. The maximum penalty is a £1000 fine. That is the law as things stand. However, the White Paper goes on to say:

¹²⁶ Ibid, p.20.

“While we strongly encourage people to register to vote the Government believes the act is one of personal choice and as such there should be no compulsion placed on an individual to make an application to register to vote”.¹²⁷

33. Mark Harper MP, the Minister for Political and Constitutional Reform, had earlier articulated this position in his oral statement in Parliament announcing the plan for accelerated individual registration. He told the House that:

“...people are not legally obliged to register to vote. If they receive inquiries from the local authority—the household registration form or some other inquiry—they are legally obliged to respond to them accurately, but there is no obligation on individuals to register at all”.¹²⁸

34. To many observers this seemed to be a new interpretation of the current legal position. While the penalty for not fulfilling the current legal duty is not often imposed, it is not without effect. It contributes to a general sense that registering to vote is a civic duty and not merely an individual right.

35. However, the White Paper states that:

“Upon implementation of IER in 2014 it will ... be a personal choice whether to respond to the ERO’s request to complete an IER application form.”¹²⁹

36. At a time when there is widespread concern about declining public participation in the formal political process, it would appear a retrograde step to remove one of the few legal obligations in this area.

37. It also seems particularly misguided to downgrade the legal requirement to return registration forms at the very moment where it is proposed to move to a new system that increases the risk of people falling off the electoral register.

38. There may be a case for changing the penalty for failing to return a registration form, but there seems very little basis for removing it altogether.

39. A final point is important here. The electoral register, as noted above, is the foundation stone not merely for elections but for boundary reviews. If registered electors are to continue to be the basis on which such reviews are conducted, there needs to be a high degree of confidence that all eligible electors are indeed registered; otherwise the electoral map will become distorted.

40. While the act of voting may reasonably be regarded as a personal choice, not least because of the fact of the secret ballot, there is a strong argument that registration is and should remain a civic duty.

¹²⁷ Ibid.

¹²⁸ Hansard, 15 September 2010.

¹²⁹ HM Government, *Individual*, p.21.

Household Enquiry Form (HEF) Annual Canvass

41. Related to the construction of parliamentary boundaries is the question of the household enquiry form (HEF) and the annual canvass. Two immediate concerns arise from the White Paper in this regard: the proposal not to hold an annual canvass in 2014; and the potential abolition of the annual canvass altogether.

42. The paper proposes that the collection of personal identifiers for the purpose of building a register based on IER should begin in July 2014. In consequence, it suggests that the regular autumn household canvass should not be undertaken that year, though it should resume in 2015, because the close proximity of the two canvasses “risks confusing people”.

43. However, there is also a significant risk associated with not holding the annual canvass, particularly in the year before a general election. A more sensible approach, which would solve both these problems, would be to begin the collection of personal identifiers in January 2014, when the electoral register will be at its most accurate, and then to hold an annual canvass later in the autumn. Of course the most sensible approach would be to delay the introduction of IER until after 2015.

44. In the context of the issues raised above, it may be argued that the household register of *eligible* electors should serve as the basis for future boundary reviews, particularly if the Government deems registration no longer to be a civic duty.

45. In any event, the continued use of the household register is clearly a desirable and indeed essential element in the Government’s plan for individual registration. As Dr Stuart Wilks-Heeg, the leading academic expert on electoral registration told the Political and Constitutional Reform select committee in 2010:

“the annual canvass will remain very important in terms of updating the registers every year to make sure they’re complete and accurate”.¹³⁰

46. However, the White Paper proposes to take a power to abolish the annual household canvass in the long term.

47. The White Paper explains that as data matching with other databases is expanded, assisting work to update the electoral register on a rolling basis, the HEF may become redundant.

48. However, this needs to be carefully considered. Clearly, the proposed data matching schemes are desirable and sensible. But once the HEF is abandoned the most proactive and comprehensive mechanism for identifying eligible electors will have been lost. The job of updating the electoral register will become much more labour intensive for EROs. Their role in the process will become absolutely pivotal.

¹³⁰ Political and Constitutional Reform Select Committee, *transcript of uncorrected evidence*, 9 September 2010.

49. That is because there will be no requirement from 2015 for electors who have registered individually to register again. The removal of that requirement is a reasonable step so long as adequate checks are in place to ensure the register is kept accurate. The White Paper proposes three checks: electors will remain on the register unless they notify the ERO that their details have changed; the annual canvass reveals they are no longer relevant; or data matching with other sources prompts an ERO to make further enquiries.

50. Together these three checks would serve as an adequate mechanism for maintaining the integrity of the register. But if the annual canvass was removed from these three steps it could prove a serious loss, because it would place much greater importance—indeed complete reliance—on individuals voluntarily reporting a change in circumstance or on EROs gleaning a possible change in circumstance and following that up.

51. If those two methods do not prove effective checks on their own then over time we will see deterioration in the accuracy of the electoral roll. It would be much more secure to commit to continued use of the annual HEF canvass.

52. Given the critical position that EROs will now play, it must be asked whether they will be given sufficient resources to discharge their role in a secure and effective manner; and whether the authorities will have an effective and proportionate range of sanctions to ensure that there is a consistent approach from all EROs.

The Basis for Constitutional Reform

53. Finally, it is important to make a general comment about the proper basis upon which major constitutional changes should be made. The present Government has, to date, exhibited a damaging propensity to drive through significant political reforms in a partisan and rushed manner. The Parliamentary Voting System and Constituencies Act is perhaps the crudest example of that tendency.

54. If changes to the system of voter registration—which is critical to the integrity and fairness of the democratic process—are to be made, it is essential that they are developed and implemented on the basis of broad consensus and according to a timetable that minimises any risk of distorting the political playing field or disenfranchising eligible electors.

September 2011

**Written evidence submitted by Mark Harper MP, Minister for Political and
Constitutional Reform Committee, Cabinet Office (EA 21)**

1. I am writing to inform you that the Government is publishing today draft legislation on a further electoral reform provision for pre-legislative scrutiny. The draft legislation is accompanied by Explanatory Notes in order to help inform consideration of them. The Government is also announcing today two electoral administration measures that can be achieved through secondary legislation under existing powers, and though it is not intended that they should be considered as part of the formal pre-legislative scrutiny process we will, of course, welcome any comments from the Committee on them.

2. These further provisions are intended to form part of a larger package of measures which will also include draft legislation on individual electoral registration, and the electoral administration provisions on: extending the electoral timetable, emblems for jointly-nominated candidates, and the timing of polling places reviews, which as you know, have been published separately for pre-legislative scrutiny.

3. The further proposals address particular issues that have been raised by MPs and Peers, and by electoral stakeholders, and propose practical and sensible changes that will help to deliver more effective electoral administration, and to increase participation and trust in the electoral process.

4. The draft legislation removes the automatic postponement of parish and community council elections in England and Wales that currently occurs when they fall on the same day as ordinary local government elections and either a parliamentary or European parliamentary general election. This will allow more polls to be combined and facilitate participation in parish and community council elections. Under the Parliamentary Voting System and Constituencies Act 2011, Parliament agreed that parish council elections in England went ahead as scheduled on 5 May alongside the voting system referendum and local government elections, and early indications are that this worked well.

5. I am also announcing proposals that can be achieved through secondary legislation under existing powers that will:

- mandate 100% checking of the identifiers for postal votes at elections. Whilst current legislation requires a minimum of 20% of postal vote identifiers (signatures and date of birth on the statement returned with each postal vote) to be checked, over recent years there has been a general commitment shown at both local and national polls to check 100% and, with safeguards for instances where there is a good reason that this cannot be done, now seems the right time to formalise this position;

- extend the ‘emergency’ proxy voting facility to enable those called away on business or military service unexpectedly, and at short notice, before an election, to appoint a proxy to vote on their behalf. At present, only those who fall ill once the routine deadline for proxy applications has passed are able to appoint an ‘emergency’ proxy up to 5pm on polling day.

6. As I have indicated, it is not intended that these two proposals for secondary legislation should be formally considered as part of the pre-legislative scrutiny process though I hope the Committee will find it helpful to be made aware of these proposals which will impact upon the electoral process.

7. Finally, I would like to highlight a particular issue that we have considered as part of our examination of existing electoral policy, but have not made provision for in the published draft legislation. We have considered the possibility of amending the Recess Elections Act 1975 to ensure that the Act covers all types of vacancy that may arise, but which are not currently covered. At present, under the 1975 Act, a writ may be issued in recess for certain types of vacancies that may arise, for example, due to death, a bankruptcy order, elevation to a peerage, or taking up a disqualifying office but not for vacancies that arise where a Member of Parliament applies for one of the sinecure offices of the Crown Steward and Bailiff of the Chiltern Hundreds and of the Manor of Northstead, which disqualifies a Member from the House of Commons and is a means by which a Member may ‘resign’ their seat during the lifetime of a Parliament. Given the lack of clarity over the original policy intention behind these provisions, it would be very helpful if views could be welcomed from members of the Committee and stakeholders as part of the pre-legislative scrutiny process on whether a change is merited on this issue so that the Act covers all types of vacancy that may arise, but which are not currently covered.

8. In publishing this draft legislation for pre-legislative scrutiny we look forward to the Political and Constitutional Reform Committee’s Report later this year.

September 2011

Written evidence submitted by Chris Ruane MP (EA 22)

1. The current Government's attitude to constitutional change needs to be set in the context of previous constitutional change. In 1997 the Labour Government introduced a whole raft of change.
2. Labour was elected with one of the biggest mandates in modern times yet it introduced constitutional and political change that would weaken its own political control.

Quangos

3. The previous Conservative Governments of Margaret Thatcher and John Major had relied heavily on quangoes to reinforce central power at a local level. This conferred massive power to unelected bodies. The practice was to fill these positions with those who "were one of us". Labour promised and delivered open appointments for these places.

Devolution

4. After years of formal and informal discussions, constitutional changes in Wales, Scotland and Northern Ireland were introduced. Not in a rushed, politicised manner but with lots of thought and preparation involving all political parties, the churches, unions and the rest of civic society. Labour's parliamentary majority was sufficient to push through this legislation on its own terms building in political advantage—it chose not to do so. PR, not first past the post, was the chosen method for election. All of this was ratified with maximum involvement of the people and tested through a referendum.

European Elections

5. Labour introduced PR to the European elections which had a devastating effect on its power base. In Wales Labour went from 5 MEPs to 2

Individual Registration

6. Backbench Labour opposition to individual registration was based on the known fact that its introduction would result in a drop in registration and the more identifiers asked for—the greater the drop. Without proper support and back up measures up to 10 %, or an extra 4½ m, could be left off the register. Opposition was also based on the fact that those who would be left off the register would be the poorest and most marginalised in society. Individual registration was supported by the other two main political parties and the Electoral Commission. Internal Labour opposition was overridden and consensus was gained between the Labour Government and the opposition parties . A deal was struck that would ensure that the timescale was sufficient to allow maximum registration before individual registration

was introduced. This would enable careful monitoring of the impact and allow remedial action to be taken to reduce its effects.

7. Contrast the above with the approach of the current Government handling of constitutional issues.

8. Instead of preparing two separate bills to lay before the House one on AV (to please the Liberals) and Equalisation of Parliamentary seats (to please the Conservatives) they were rolled into one bill so that if one went down the other would. It would be a dance of death—an act of political convenience. The whole process has been geared not towards proper scrutiny and consultation but with desperately fitting into a tight deadline that all parts of the legislation must be finished by the next election to gain maximum political advantage. Indeed the date of the next election was declared (beyond the norm of four years) to ensure sufficient timescale for these constitutional changes to be bedded down.

9. There are a number of specific measures that have been introduced which I believe are highly politicised:

10. The freeze date for the electoral register on which the equalisation of seats would be calculated was Dec 1st 2012. Just six months after the new Government was elected, allowing no time for any of the new measures to improve registration to show results. Consequently 3.5 million people are not included in the calculations for the equalisation of seats.

11. An MP's caseload is quite often composed of those with the most difficult problems such as housing, benefits, ill health. These are the very people who are unregistered. Some MPs will have an electorate of 76,000 registered constituents and up to another 15,000 unregistered constituents. Individual registration drops could add a further 9,000 to this. These constituencies are quite often in the most deprived areas that are already suffering high unemployment. They are also quite often in areas where the employment which is available is in the public sector which will be cut severely in the next few years.

12. I have met the credit reference agency Experian which has the best databases in the country. They informed me that the figure for missing electors was nearer to 6½ million. Again the profile is the most marginalised in society.

13. Having between 3½ and 6½ million missing electors who are deprived, workless and have little stake in society has serious consequences for a properly functioning democracy. There have been many views on the reasons for the riots but political alienation must be a factor, especially in times of rapid economic and political change. It would be interesting to see how many of the rioters were registered to vote. I have both the Minister and the Electoral Commission to conduct research into this.

14. In my own constituency, the Vale of Clwyd, the electorate has gone down from 56,000 in 1997 to a low of 48,000. It is now back up to 57,000. This was achieved by a strong pro active approach by the ERO and the Chief Executive. The Electoral Registration Forms in Denbighshire were strongly worded and include the sentence **“If you do not reply by 23 November 2010 then you face prosecution and a fine of £1,000”** in a bold red box.

15. If there was a non return the Chief Executive sent out a strongly worded letter which finished **“In order for me to fulfil my legal duty I am therefore requesting that you complete the enclosed information sheet and return it to me in the envelope provided. If you fail to supply the information requested within 14 days I will have no option but to pass the matter to the Councils Legal Department”**.

16. On top of this, door to door visits to non responders are made on a number of occasions as is required by law. These measures have had dramatic results when properly enforced especially in the poorest ward of Rhyl West. Rhyl West is the poorest ward in Wales. Out of approx 1,900 Lower Super Output Areas LSOA (parts of wards) in Wales, Rhyl West had number 1 and 3 positions making it the poorest ward in Wales and one of the poorest in the UK. It is composed of hundreds of Houses of Multiple Occupation HMOs, with one door leading to as many as 20 flats. Functional literacy is very low and transience is one of the highest in the country with 49% turnover in pupils in a year in the catchment primary school. **The ERO was able to take registration from 2,500 to 3,500 in one year by using these methods.**

17. The Government wish to reserve the right to end the annual canvass. Why make this provision if the annual canvass is known to have had a dramatic effect on registration rates, especially in poorer areas with low literacy rates.

18. The need to register will no longer be required as a civic duty but as a personal life style choice. Electors will be able to tick a box asking not to be further reminded to register to vote. The tradition in this country has been that registration is a civic duty. I strongly believe this. If this is to be changed we need careful consideration, not just by the political class but by wider society. The right to register and vote was a fiercely won democratic principle. To undermine this by underplaying registration and nudging people to deregister can only be deemed as an anti democratic measure, being pursued for party political advantage. The effects of de-registration will be felt in other areas of civic life:

- Non registration will influence the shape and make up of any seat (and neighbouring seats) on a regular five year basis.
- An incomplete register will hinder the ability of political parties to communicate with the electorate.
- It will narrow the base for jury selection

- It will impact on the ability of the individual to access to credit

19. I give credit to the coalition for listening to representations on the impact of the drop in electorates as a result of the individual registration registers in February 2015 12 weeks away from the 2015. There will be a carry over to the 2015 register of all those who failed to individually register. Voters will be able to vote in the General Election.

20. The freeze date for the next boundary commission however will be in late 2015 and no such provision will be made for any carryover. All those who do not individually register will be removed from the register at the beginning of the new boundary review.

21. The Electoral Commission informed a cross party meeting of MPs that individual registration under the current proposals could possibly lead to a slow decline of registration from current levels of around 90% to levels possibly as low as 60%. This could lead potentially to 18 million unregistered voters. How can a democracy function with so many of the poorest voters off the electoral register?

22. The proposals were described by the Electoral Commission as the biggest change in electoral law since the introduction of the universal franchise. I believe the vast majority of MPs, media, general public or civic society are not aware of the impact of these planned changes. I urge greater discussion and debate not just within Parliament but beyond.

23. To tinker with the basic building blocks of democracy in such a blatantly cavalier and biased way will make us the laughing stock of the democratic world. This will not promote a Big Society but a banana republic.

September 2011

Written evidence submitted by The National Union of Students (EA 23)

Executive summary

1. NUS welcomes the opportunity to respond to the Committee's call for evidence on 'The Government's proposals on Electoral Administration'.
2. NUS, through the Society and Citizenship Zone has been working to increase registration and participation for some time. In particular, the 2010 general election campaign included work with the Electoral Commission and work on the 'Get Out the Vote' Campaign.
3. NUS does not oppose individual electoral registration (IER) in principle; rather, we are concerned that at the moment the likely positive effects could be outweighed by the negative effects, including risks to student registration and participation.

NUS' work on voter registration

4. Our work over the 2010 general election campaign involved encouraging higher education vice chancellors and principals to share information with their local authority on where students live in order to help them with block registration.
5. Students' unions have a crucial role to play in encouraging students to use their right to vote and to make sure they are fully informed about the local and general elections.
6. NUS does not believe that students are apathetic; instead we recognise that young people are often disengaged with the political process. We know from the 2005 British Election Study survey that only 57% of students voted in that election, which shows the scale of the challenge facing those like NUS looking to encourage registration and participation within the student population.

Individual voter registration—scope for benefits

7. There are some ways in which IER could be good in theory. For example, NUS has long supported a move towards online voter registration and would be interested in ways in which IER could be utilised in order to enable this.
8. In this way, IER could be a positive step, if properly set within wider efforts to improve levels of voter registration, particularly within underrepresented groups.
9. However, it is currently not clear whether IER would be utilised in this way, and many concerns have been raised about potential electoral fraud. Online registration would for example need to be supported by technological innovation. As it stands, NUS is concerned by the current lack of any strategy on online registration and would like to see more from the Government on how they plan to take this work forward as part of changes to voter registration.

Individual voter registration—likely negative impacts

10. There remain numerous and significant barriers to getting young people registered to vote. The Government need to demonstrate that these proposals will not undermine longstanding work to increase turnout and registration among students and young people, but instead work to ensure increases.

11. Any proposal to introduce IER must therefore include a clear and thorough plan as to how the risks to registration levels can be mitigated.

12. NUS strongly recommends that the Government should not proceed with IER until a strategy for ensuring that student registration will not be damaged has been developed. Similarly, any proposal must include more proactive measures to encourage registration and participation amongst young people and students.

13. Moreover, it must be noted that electoral registration is often a prerequisite for accessing other services and amenities. This clearly further increases the importance of a strategy for ensuring that any move to IER does not negatively impact on student registration.

14. NUS would encourage the Committee to explore the impact of IER in Northern Ireland, where anecdotal evidence suggests many students have been left off the electoral register—including those who previously had been covered by block voter registration.

Strategy to mitigate negative effects

15. Given NUS' longstanding work on encouraging registration and participation, we would strongly encourage the Government to work with us to avoid negative consequences arising from any changes. The effort to encourage voter registration will be particularly important should IER be introduced.

16. Although publicity campaigns have a role to play, experience shows that these are not always the most effective use of resources. A joined up strategy is needed, which would include giving greater powers to the Electoral Commission, targeting of registration rates, coordinated campaigns together with local organisations and community groups, such as students' unions, and engagement with young people still in school or college even before they are eligible to vote.

17. The Electoral Commission does not currently have sufficient powers to determine local electoral administration, which allows for local registration officers to act with autonomy.

18. NUS therefore recommends that the Electoral Commission be given more powers to encourage a consistent, tried and tested approach to encourage youth and student registration and participation.

19. This would include setting targets for local electoral registration officers as to the percentage of students in a halls of residence signed up to vote.

20. NUS has issued guidance to electoral registration officers to share best practice, but recognises that this is not the most efficient approach.

21. It is not clear that alternatives to individual voter registration have been properly explored. If the change is based on concerns about voter fraud, other measures such as requesting presentation of identification for those registered as a 'block' could be just as effective.

September 2011

**Written evidence submitted by Darren Whitney, Democratic Services Manager, Stratford
on Avon District Council (EA 24)**

Data Matching

- I have concerns about data security—DWP sent our data to another council in error.
- The pilots are running several weeks late—okay for the small number of authorities but how will DWP cope with the whole country requesting checking, especially just before an election.
- Data matching of attainers has been easier for us as we can match with dates of birth—so hopefully using personal indicators will speed up the process. Not sure but isn't the current thinking for indicators to only be kept for a short while? I feel this needs further investigation as these will help with spotting duplicates and help EROs when the elector moves from one area to another.
- The form of matching needs to be simplified—only non-matches and confirmation of matches made need to be returned to the ERO. This simplifies matching considerably.
- As of today we still haven't received data from the MoD.

1. On saying the above I do recognise that this a reason for doing pilots so these issues can be addressed before rolling out.

Registration Costs

2. There will inevitably be an increase in resources needed to carry out IER and Council leaders need to realise this. This perhaps needs to come centrally as the voices of electoral administrators can be lost in the needs from other areas of Local Government.

Participation Fund

3. We applied twice for monies from the Participation Fund. Perhaps this is because we are a forward thinking Council. We made use of the fund for:

- i) Providing information in hospitals/supermarkets throughout the district using information boards and leaflet dispensers
- ii) Working with two other Warwickshire Authorities to advertise new boundaries and entice people to register to vote within these.

4. The two main problems with the fund were that it had to be an innovation that others hadn't done and the monies weren't guaranteed until after the project was completed. This put some people off spending too much or indeed applying because if Ministry of Justice weren't satisfied the council may end bearing the costs.

Election Day Registration

5. My Returning Officer has long advocated an electronic register that could be held at each polling station giving the benefit of allowing:

- electors to vote at any station within the district—more convenient for all voters especially those that have mobility problems with some of the less well accessible stations;
- the ERO to add electors on election day with great ease (subject, of course, to agreeing a way forward with regards to objections, checking of indicators etc).

First time voters

6. I recently attended a session looking at first time voters and young people registering. One of the items to come out of this and backed up with anecdotal information from our young people seminars is that citizenship lessons get young people engaged by 16, but since they are not allowed to vote until 18 a lot of interest is lost (it is evident especially when we do school council elections compared to talks with college students the depth of engagement).

7. This goes back to the whole engagement thing; if we can catch them young we have a better chance of keeping them interested.

8. In summary there is a great opportunity to do a great deal of good here but it must be remembered that to do it things properly they must be resourced properly and that one size doesn't fit all.

September 2011

Written evidence submitted by Jenny Watson, Chair, Electoral Commission (EA 25)

Electoral Commission Oral Evidence Session on the Government's proposals on Individual Electoral Registration and Electoral Administration, 15 September 2011

1. Thank you for inviting me and my colleagues to come and give evidence to your Committee on 15 September.
2. At the session we undertook to write to you enclosing a copy of our interim Electoral Registration Officer Performance Standards report. To this end, I thought it might be useful if I provided you with some details about our Performance Standards framework and our findings from the last three years, which I have summarised below. I have also enclosed our most recent reports, for your information.¹³¹

Performance Standards

3. Under the Electoral Administration Act 2006, the Commission has powers to set and monitor performance standards for electoral services in Great Britain. The provisions do not apply to Northern Ireland, but we are currently working with the Electoral Office for Northern Ireland on how to implement performance standards there.

4. We monitor the performance of both Electoral Registration Officers (EROs) and Returning Officers (ROs) through our performance standards framework, highlight where electoral registration and elections are well-run and challenge EROs and ROs where the service received by electors is below standard. We ensure the quality of information provided by EROs and ROs by reviewing a sample of performance standard assessments, which are sometimes reviewed by EROs and ROs and resubmitted to us as a result of this monitoring. Once we have collated and analysed the returns we receive from every ERO and RO in Great Britain, we publish a report on their performance, as well as presenting the data in graphical format on our website. In addition, we write to each MP and Council leader with details of the performance of their ERO/RO.

5. Maintaining a complete and accurate electoral register and delivering well-run elections involve the administration of detailed processes. Our current performance standards framework has predominantly focussed on ensuring that a consistent set of plans and processes are used by EROs and ROs to carry out their core duties.

UK-wide performance standards data

6. The performance of both EROs and ROs has improved over the three years since the performance standards framework was first introduced. For example, in 2009 only 27% of

¹³¹ Not printed

EROs reported that they were meeting or exceeding all ten standards, compared with 51% in 2010 and 84% in 2011.

7. RO performance against the standards have also increased, with 65% reporting that that they were meeting or exceeding all seven standards in 2009, compared with 82% in 2010. There is no data for the 2011 RO performance standards as the Commission monitored performance of COs in real time and it was therefore not necessary to ask them to report on their performance in the usual way. We were able to do this for the referendum because the Chair of the Commission, as Chief Counting Officer (CCO), had the power of direction over Counting Officers (COs) and we were therefore able to alter our approach to ensure that we could identify and resolve any issues before the polls took place. We will be reporting on the conduct of the 2011 polls in October.

National variations

8. Since 2009, performance has improved in Scotland to the extent that EROs and ROs there now meet all the standards. Performance in England and Wales has also improved since 2009 but in Wales, 9% of ROs did not meet all of the standards in 2010 while in England, 18% did not do so. Amongst EROs, 17% in England did not meet all of the standards in 2011 while in Wales, 23% did not do so.

Percentage of EROs not meeting one or more standards

	England	Scotland	Wales
2009	74%	53%	96%
2010	49%	41%	55%
2011	17%	0%	23%

Percentage of ROs not meeting one or more standards

	England	Scotland	Wales
2009	37%	9%	41%
2010	18%	0%	9%

Developing our framework for the future

9. After two years of measuring RO performance against the standards, we now intend to develop the performance standards framework and in doing so learn from our experience in monitoring the delivery of the 2011 polls. We are currently consulting on revised draft performance standards for ROs and intend to publish revised standards in December 2011. Details of the consultation can be found on our website and are also enclosed, should you wish to contribute.¹³²

¹³² Not printed

10. We want to make sure that our performance standards focus not only on ensuring that key processes are in place to deliver successful, well-run elections, but also that they look at the quality of the outcomes that these processes produce. We are also aiming to change the way we monitor performance against the standards so that, instead of asking ROs to report on their performance after the poll, we will instead monitor performance in real time. This should allow us to identify any problems, and to work closely with the RO to correct them, before they impact on the delivery of the poll. For those elections where a RO has the power of direction, such as the London Assembly elections for example, we will work closely with that person to support them within their role. The most recent reports we have published and our consultation are enclosed for your information:¹³³

- Performance standards for EROs: August 2011 Report into EROs failing a performance standard in all three years
- Report on ERO performance against the standards in 2010
- Report on RO performance against the standards in 2010 (UKPGE)
- Consultation on revised performance standards for ROs

11. I hope you find this information useful and if you have any further questions you would like to raise, please do not hesitate to get in touch to arrange a meeting.

October 2011

¹³³ Not printed

Written evidence submitted by the British Community Committee (EA 26)

Draft legislation on individual voter registration—pre-legislative scrutiny

- British expatriates (expats) are currently deprived of the right to register to vote in UK national elections after 15 years' residence abroad
- British expats continue to have close ties to the UK even after a long period of residence abroad, and a strong personal interest in the future of their country and the conduct of the Government
- Voting rights in national elections are based on nationality, not residence, so expats cannot instead vote in the countries where they live
- Legislating for a time period before disenfranchisement of an arbitrary number of years serves no legitimate objective
- Rather than seeking to identify the “right” period of residence abroad, on the contrary there should be no time limit at all
- A section repealing the present legislation disenfranchising British expats after 15 years' residence abroad should be inserted into the Individual Voter Registration Bill.

1. I write as Chairman of the British Community Committee of France, a non-partisan, not-for-profit organization which represents British residents in France, strives to provide greater visibility and a united face for the British Community in France as a whole, and investigates issues and problems in everyday life that may be encountered from time to time by British residents in France.

2. The terms “British” and “Britishness” in this paper refer to the nationality conferred on UK citizens with the right of abode in the UK under British nationality law currently in force. The terms also refer to the usually loyal and life-long identification of most British citizens, whether UK residents or expats, with their own country. Use of the terms “British” and “Britishness” is not intended in any way to exclude Northern Ireland.

3. France is host to Britain's eighth-largest British expatriate community, and the second-largest in a non-English-speaking country after Spain.

4. In this matter I speak also for British expats all over the world, pursuant to my contributions on this subject as part of the British expats' delegation to the French-organized “Europe on the Move” meeting of representatives of expat communities at the French

Foreign Ministry on 30 September 2008 and the Italian-organized follow-up meeting of representatives of expat communities in the Italian Senate in Rome on 30 April 2010.

5. According to research by the IPPR, some 5.6 million British subjects live abroad. 55% of all British emigrants in 2008 left the country for professional reasons, often being sent abroad by their British employers, or working for an international organization such as the UN or OECD. Approximately a quarter are students, and around 20% are pensioners. British pensioners living abroad represent nearly 10 per cent of all British pensioners.

6. Under legislation enacted in 2002 only those may register to vote in UK national elections who have resided abroad for less than 15 years (“the 15-year rule”). This is widely resented by those British expats who are affected by it, and whose right to vote in national elections is suddenly and arbitrarily terminated after 15 years abroad, often spent working to further the interests of the UK in commercial companies or international organizations.

7. British citizens disenfranchised in this manner because of the duration of their residence abroad are in effect deprived of the right to vote at legislative elections in general, since national voting rights are based on nationality, not residence, and the countries where they live do not, and probably never will, allow them to vote in their own national elections.

8. While they tend not to allow non-national residents to vote, most advanced democracies and many emerging countries not only permit, but actually encourage and facilitate voting by their own citizens living abroad. These include the USA, Spain, France, Germany, Italy, Switzerland, Portugal, etc. etc.

9. The time limit before disenfranchisement has varied since 1985 between 5, 20 and 15 years. Each time the time limit was changed, Parliament clearly experienced difficulty in identifying what might be considered the “right” period of residence abroad before disenfranchising its own citizens. As a result, a compromise number of years was adopted in each case. It is not clear that any of these time periods corresponded to a particular legislative objective.

10. Cases pending before the Administrative Court and the European Court of Human Rights, brought against the UK and impugning current UK electoral practice where expats are concerned, if judged in favour of the applicants, would no doubt require HM Government to ensure that any new legislation setting a time limitation should not be arbitrary, but be proportionate to the objective to be attained by the legislation. A further arbitrary compromise number of years is therefore not at all desirable.

11. The present submission argues that rather than seeking to identify the “right” period of residence abroad, on the contrary there should be no time limit at all, and that overseas voters who are UK citizens, provided they fulfil all other required conditions, should

continue to be able to register to vote in UK national elections without there being any time period after which disenfranchisement would become automatic.

12. Draft legislation on individual voter registration has been submitted to you by the Minister for Constitutional Reform, and it is our contention that such draft legislation could and should include a provision repealing those parts of the Representation of the People Act currently in force which set a time limit on overseas voter registration.

13. It is not for us to draft legislation, but it appears from the 2002 legislation that a simple text of less than 100 words could be a simple basis for repealing the 15-year rule.¹³⁴

14. If enacted, such a provision would constitute recognition by HM Government that British expats enjoy equal British citizenship and equal rights with their fellow British citizens resident in the UK. Such expats would at last all be able to participate fully in the democratic election of members of the legislature, rather than just some of them.

15. They would be motivated to do so not only on grounds of Britishness, but also of their continuing strong links with the home country, and their personal interests in areas such as old age pensions, taxation, their children's and grandchildren's education, health care, etc. etc.

16. In many cases British expats continue to pay income tax in the UK e.g. income tax deducted at source from public service pension payments or tax paid in respect of real estate and/or investments held in the UK. These are people with a vested interest in continuing to have a say in the legislative affairs of the Kingdom.

17. Taxation is not however a compelling argument, since most countries where British expats live have concluded a Double Taxation Convention with the UK, in effect deeming that by paying tax in the host country, they have fulfilled their fiscal obligations to their home country.

¹³⁴ (*based on Political Parties, Elections and Referendums Act 2000, section 141*):

Abolition of qualifying period for overseas electors.

Each of the following provisions of the Representation of the People Act 1985 (as amended by the Representation of the People Act 2000), namely—

(a) section 1(3) (c) and section 1 (4) (a) (conditions to be satisfied by British citizen in order to qualify as overseas elector in relation to parliamentary election), and

(b) section 3 (3) (c) and 3 (4) (a) (conditions to be satisfied by peer in order to qualify as overseas elector in relation to European Parliamentary election),

shall be repealed.

18. British expats today are able to keep themselves fully informed about issues affecting the UK through satellite TV and radio, newspapers on the internet, etc. On the whole they care deeply about their Britishness and about what goes on in their home country. Expats show a keen interest in maintaining good relations with British embassies and consulates abroad. Britishness and links with Britain are expressed locally through membership of British associations and institutions abroad (see for example www.britishinfrance.com). They represent informally British values abroad and act as unofficial ambassadors of Britishness to the outside world.

19. In enacting the proposed repeal of any time limit on expats' voting rights, it would be beyond question that HM Government would be bringing the UK into line with article 20 TFEU (freedom to move to and reside in other EU member states), the numerous and repeated recommendations of the Council of Europe concerning expat voting rights (notably the Parliamentary Assembly's Resolution 1459(2005)), and the provisions on electoral rights of the European Convention on Human Rights

20. The Committee will want to explore what risks might arise as a result of enacting the proposed submission, and how such risks might be mitigated.

21. In 1989 the time limit on expats' voting rights changed to 20 years, the longest period before disenfranchisement that has existed in UK law. The new time limit did not apparently cause any undesirable consequences compared with the previous time limit of only 5 years.

22. Theoretically there could be a small risk of electoral fraud if any unqualified persons were registered. However, a registration process could no doubt be devised based on the electors' British passport number, a unique, secure number issued by the Identity and Passport Service of the Home Office, which also holds information about the full identity and address of the passport holder at the time of issuance of the passport. All British expat citizens whose status is legal must hold a current British passport. In the absence of a national identity document for UK resident nationals, passport data for British expats actually provide a stronger means of proof of identity than is available for resident nationals.

23. It may be felt by some that certain long-term expats have, over time, lost their connections with the UK, and that enfranchising them might make the voter base in the relevant constituency unrepresentative (albeit very slightly). However, if such persons exist, it is highly unlikely they would be sufficiently motivated to apply to register to vote. Therefore this is hardly a risk that needs to be considered.

24. In conclusion, abolition of any time limit on the residence of expat voters abroad would:

- **bring the UK into line with the practice of other advanced democracies and with EU treaty obligations and Council of Europe recommendations,**

- **reinforce the ties of Britishness between the UK and those who are its unofficial ambassadors, and**
- **allow full participation in the democratic process of millions of British expat citizens who are motivated so to do.**

To abolish the time limit, the legislation need not be complicated, and secure registration procedures based on passport data could be devised to avoid fraud.

October 2011

Written evidence submitted by Adrian Milne (EA 27)

Representation to Parliament (Voting powers) of Expatriates

1. I am a correspondent to Pensioners Debout, and have been told of your meeting on this subject on Wednesday 13th October.
2. It is desirable that all expatriates have the right as a British citizen, permanently to express their opinion through the ballot box in British National elections.
3. My circumstances are: I am a retired Metropolitan Police Officer, having worked the final 3 years of my service in the Palace of Westminster. I was medically discharged in 1985, and moved to France. I remain in contact with the UK and its politics through British TV, and still have family living there. As an ex-government employee I am obliged to pay my taxes at source in the UK, yet I am denied the right to vote on their use. It seems illogical to me that the UK should fight wars in other countries to promote democracy, but deny voting rights to its own citizens.
4. I am conscious that within the EU Britain along with Ireland are exceptional in not allowing representation to our National Government. Our National Government is responsible for all agreements with the EU and our country of residence (France) in our name, but after 15 years we have no right to express our feelings and be represented.
5. It would be appropriate to be represented in the same manner as French nationals who live in Britain, with members directly elected to their Assembly in Paris.
6. I am concerned about Britain's relationship within the EU and feel that correct full permanent representation for the expatriates can only do good.

October 2011

Written evidence submitted by David Burrage (EA 28)

Suffrage rights for British Expatriates

1. I write to you in the above referenced matter, not only as a loyal British citizen who has been disenfranchised of my national right of suffrage, but also on behalf of the British Expats Association (Spain), www.ukgovabusesexpats.co.uk of which I am the co-founder and legal adviser. We are the largest association of its kind in the world, including at least one member resident in the Republic of China, although the overwhelming majority of our members are currently resident in Spain, which is where the largest community of British expats can be found anywhere in the world.

2. We founded the Association with the primary objective of advising British citizens of both their rights and obligations under the law. To keep them together as one people in the bond of our national identity and to fight abuse. We take no money when assisting our fellow British citizens and fund our Association from our own pockets.

3. There are many others who have made far greater sacrifices for our nation, including the hundreds of thousands who gave their lives in order that we could be free and live under a democracy. What I set out here in no way detracts from the many sacrifices made by those who still survive, not least their own depth of feeling in this matter of national identity and suffrage.

4. As a British citizen who grew up in London during those dark days of oppression in Europe during WW11 I consider that I have earned the right to address the Select Committee which is to sit on 13 October 2011 to hear views on the above matter. Had time and circumstances permitted I should have been pleased to attend upon the Committee.

5. As one who survived the blitz on London as a child and having suffered all those indignities which accompanied that period of our history. Sleeping under the stairs and never knowing whether we would survive the night, we also served our country, even though we were too young to take up arms to defend democracy in Europe. In those dark days we pulled together as one nation and had I been somewhat older, I too would have been part of that force of so many of our gallant fellow men who liberated Europe from tyranny.

6. Further, I spent almost my entire working life in the service of the Crown under a sworn allegiance to Her majesty our Queen. I accepted the Queens shilling with pride when enlisting in the Regular Army during the 'cold' war and was on stand-by to be airlifted to that Suez debacle in 1956.

7. Following my military career I served almost 30 years in the Metropolitan Police Force, attaining a senior rank. During my early police service I performed duty at electoral polling stations. As a young policemen on the beat and later as a detective I patrolled the streets of

London at night in order that our fellow citizens could sleep comfortably in their beds, often removing our shoes in order to do so with stealth, walking through dark back alleyways where the public would fear to tread apprehending criminals, who were often violent. Later when a Detective Sergeant I was advised I was to be put on the IRA death list following arrests in a terrorist incident. I have been threatened with assassination by an armed robber. I fought deranged persons when they were armed with knives. I have had a knife held to my throat by a blackmailer seated behind me in a car when I had accompanied the victim to a meeting with him, although at that time I was more concerned about the armed officers surrounding us. Even after my retirement I have had a pistol pointed at my face and touching my nose when detaining a notorious burglar. We performed our sworn duty without a thought to our own safety.

8. I moved to Spain in my retirement.

9. I was active in the run up to the Political Party's Voting and Referendum Act 2000 and during the passage of that Bill I took very great offense at the fool who awoke from his slumber in the Upper House and declared that British citizens who absent themselves for more than 5 years can have no interest in the United Kingdom. Whereas nothing could be further from the truth.

10. I have been disenfranchised of my right to a national vote, even though and despite of my devotion to my homeland. I am also required to pay income tax in the UK on my police pension—The Double Taxation Relief (Taxes on Income) (Spain) Order 1976. Not only am I bound by UK fiscal law, including certain of the laws of testacy, I am also bound by certain of the UK's criminal laws as a British citizen. I am also in receipt of my full basic UK state old-age pension and have absolutely no say in how my income taxed is used.

11. Taxation without representation is tyranny.

12. The United Kingdom along with Denmark are the only 2 nations within the EU which disenfranchises its citizens of their right to suffrage. This is not something for the British nation to be proud of when at the same time boasting to be the cradle of democracy. Even the F.R. of Germany, which disenfranchises its citizens of their right to suffrage after 25 years of absence, do not do so where their citizens have re-located to elsewhere within the EEA or Switzerland.

13. My current situation is that as a Union Citizen (Article 20 TFEU), with a right of free movement within the EU (Article 21 TFEU), I do not have a national vote anywhere in the world and cannot even take part in any referendum, even if it is called to determine our future in Europe. Whilst Union citizenship does not replace one's national identity, but rather compliments it, such Union citizenship, where one's state of nationality does not recognise a citizen in its democratic processes is meaningless.

14. I refer to my country as including all of the United Kingdom and Northern Ireland, especially since during my working life I served and worked alongside men/women from all parts of the UK.

15. I have voted at every election since I attained the age of majority, save that I was not allowed my overseas vote at the last election as I had exceeded the 15 year rule.

16. My birthright has been stolen from me and I have been outlawed by the country I love and have served so loyally all my life. Those responsible for taking away my birthright have made me their enemy.

17. The situation in which I currently find myself also breaches my basic human right of suffrage.

18. I have attached a petition¹³⁵ I had lodged with the European Court of Human Rights and it serves as an indictment against the British Government that its citizens have to look elsewhere in an attempt to seek justice.

19. There were those in that place who expressed indignation over the proposition that serving prisoners should not re-gain their suffrage rights. Those sounds we heard coming out of that place represented a very ill informed response. If you strip a prisoner of his basic right of representation then not only does society de-humanize the prisoner it also de-humanizes itself, it also reduces the likelihood of re-habilitation. It also exposes prisoners to abuse, particularly where the majority of prisoners are not serving time for violence. The outcry represented the lynch mob mentality. Why do I say so? Well, I put many of them there and make no apology for that. My work brought me in daily contact with criminals, including a number of murderers. In fact there are currently a few still serving. It may interest the Committee to learn that I was the CID prison liaison officer for the entire UK to HM Prison Wandsworth (1965-67). I do know what it is like to spend a day up on the wing, but once they got to know who I was the cat calling stopped. If you remove a person's hope, you remove society's hope.

20. I should also remind this Committee of the prophetic words of the late Sir Winston Churchill, who despite many of his faults led our nation to victory at a time in our history when we came so near to defeat. In October 1942 he wrote to the British War Cabinet, "Hard as it is now to say, I trust that the European family may act united as one under a Council of Europe. I look forward to a United State of Europe." Further, in 1947 the European Movement formed a committee and the following May (1948) they organised a Congress of Europe at the Hague. This Committee included members from 16 countries and the President of Honour was WINSTON CHURCHILL. After that meeting a communiqué was issued which read, "We desire a united Europe through whose area the free movement of persons, ideas and goods is restored." This is the opening sentence of the Treaty of Rome. It

¹³⁵ Not printed

was from the Council of Europe that the European Court of Justice emerged. Not to be confused with the council of ministers to the EU Parliament.

21. Currently we are proposing a monument to those merchant seafarers who gave their lives in two world war conflicts. It is right that we do so, lest we forget, but at the same time our Parliament has dishonored the memory of the late Sir Winston S Churchill, whose effigy looks upon our Palace of Westminster.

22. In two world wars, it was not only British residents of our islands who took up arms in the defence of democracy, it was also the many thousands of other British citizens who returned home to defend their motherland.

23. Like so many of our fellow British citizens, who have sought to spend some last years of our lives elsewhere within the EU, I am now hoping to be able to sell up in Spain and to return to my country of birth. Spending a few years in another country can never replace the ties and depth of feeling one has for one's homeland. Further, I have family in England and visit regularly and on every visit I travel up to Westminster and gaze at the office I once occupied at New Scotland Yard overlooking our Parliament. I have also shown many visitors around London with pride. It is my home and always will be.

24. I have attached a copy of my appeal,¹³⁶ on behalf of our Association, to the European Court of Human Rights and I would be most grateful if you could prepare copies before the meeting for those who are to sit on that Committee.

25. I have not addressed the fundamental principles, as enshrined within the consolidated Treaty on the Functioning of the European Union (TFEU), as I know you will already have considered the proper effects of this treaty.

October 2011

¹³⁶ Not printed

Written evidence submitted by Brian Cave, Pensioners Debout (EA 29)

A PLEA for Permanent Representation for the British Expatriate

1. I am Brian Cave, organiser of an internet site (a so-called 'blog') which is concerned with the impact of rules and regulations, largely originating from the UK Government and Whitehall offices on the lives of British pensioners who have retired to the continent of Europe. This site is <http://pensionersdebout.blogspot.com>.

2. There are now about 430,000 British pensioners in the EU. I concentrate on those in France which number about 54,000. The numbers increase yearly, even in these recessionary times.

3. You should understand that we pensioners all have considerable interests in the UK. These usually have a background of centuries of family history.

Personal Matters

4. To understand this interest I will recount my own connections.

5. Though my own immediate family was poor, I have a history of the family Cave traceable through centuries. On my mother's side one ancestor was a sawyer near Tunbridge Wells and cut oak for the 19th century restoration of Westminster Hall.

6. I was born in the 1930's recession. My father attempted to run a photographer's shop, which failed and he was bankrupted. My mother then obtained charity from the Roman Catholic Church to support her three children.

7. In 1939 I and my two brothers were evacuated. I, the youngest, returned to London because my mother wanted me close to her and I was there throughout the blitz. Our house and yet another requisitioned house in which we lived were blasted.

8. Later I managed through scholarships to reach Oxford where I read Botany.

9. I served for two years National Service as a 2nd Lt. in the army.

10. I recount all this to demonstrate that these British antecedents mean much to me. No way at all have I cut myself off from my antecedents, my British background—nor could I ever do that.

11. Later I established on behalf of the Gloucestershire LEA an Environmental Studies Centre in the Forest of Dean.

12. Mark Harper is at this time my MP (Forest of Dean). But if current absurd rules hold I will lose that representation in August 2013. I will be dis-enfranchised.

13. Mr. Harper is well aware of my activities to attempt to achieve social justice for the expatriate pensioner. I have exchanged correspondence with him for some years.

14. Today, naturally, my family ties to the UK remain strong. I have two daughters who live in the UK and one grand-daughter who is at school in Bradford. I am greatly concerned for their welfare. My eldest brother is in a home in Northfleet, Kent with dementia. It falls to me with the great support of my oldest daughter to manage his affairs. I phone the home each month to see how he is.

15. In short, I have a deep personal concern for the way the UK is managed.

16. So many of the correspondents to my 'blog' have similar concerns.

17. Whether I myself will return to live in the UK—I am at present verging on 80—I cannot say. So much depends on the relationship of the UK with the EU and family interactions. Many readers of 'Pensioners Debout' will return and want to know that it is a country which they would be proud to live in.

18. This last point touches on my (our) awareness of Britain on the world stage. I and my wife listen every day to the British news on TV and radio. We watch Prime Minister's Question Time every Wednesday. We are probably better politically informed than the average person resident in the UK.

19. I and all expatriates in Europe have (or should have) an enormous concern with the relationship of the UK with the EU. It is vital to our welfare.

Why are expatriates 'turned off' British Politics?

20. If you read the comments on the website [www.votes-for-expat-brits.com] developed through the initiative of Christopher Chantrey, you will see a large number of impassioned pleas for representation. Yet many others are apparently just not interested.

21. Frankly, it is hardly surprising. It is an extension of the reason why so few residents vote in UK elections. But there is more one can add. If a law exists that you can only vote for 15 years, it indicates that the politicians are really not interested in us. Many constituency MPs are not interested (I have recorded instances) in those who live outside their constituency. Most constituency MPs have not the time to really analyse the concerns which we have and which are the responsibility of Whitehall departments.

Why expatriates need interaction with the UK Government

22. This has been examined by me in an article on my blog.¹³⁷ I urge you to read this. It firstly demonstrates the great importance of representation for expatriates in Europe to the Westminster Parliament and then explores the world-wide significance of British representation.

Whitehall

23. The international regulations that affect the expatriate which are passed by Westminster, do not have the interests of the expatriate at heart but reflect the views of the professional civil servant of the interests of the State—not ours, who nevertheless are bound by these rules. Never is the question asked in the corridors of Whitehall ‘What is the effect of this treaty/agreement on the lives of the British expatriate?’ I have covered these aspects in the above reference.

24. It is my view that we need representation of the expatriate for the expatriate preferably by an expatriate. In my view our own representative MP/MPs would serve us best. That is—someone who knows our special concerns as British Citizens abroad (especially in the EU) and will do his/her best to represent us at home.

October 2011

¹³⁷ <http://pensionersdebut.blogspot.com/2011/08/to-all-british-expatriates-everywhere.html>

Written evidence submitted by Department for Work and Pensions (EA 35)

1. Thank you for your letter¹³⁸ regarding the methods that the Department for Work and Pensions uses to validate address and record nationality details.
2. With regard to the point about using the Local Land and Property Gazetteer (LLPG), the repository for our information, the Customer Information System (CIS), provides information for the whole of the UK.
3. The Department considered options as to the best source of data to validate addresses taking into account the need for national coverage. However, the LLPG only covers England and Wales. To ensure national coverage and accuracy we use the QAS Pro system by Experian (which covers England, Wales, Scotland and Northern Ireland) to validate addresses against the Royal Mail Postal Address File.
4. As for the feasibility of recording nationality, the Department is reviewing its requirements to collect nationality data for the purpose of paying social security benefits. I am unable to comment at this stage on the scope for such data to be used for matching eligible voters.
5. If you have any further queries, please do not hesitate to contact me.

October 2011

¹³⁸ Not printed

