



House of Commons
Public Administration
and Constitutional Affairs
Committee (PACAC)

**Electoral Law: The
Urgent Need for
Review**

First Report of Session 2019

*Report, together with formal minutes
relating to the report*

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Public Administration and Constitutional Affairs Committee

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Summary

“Complex, voluminous and fragmented” and with an “enormous amount” of primary and secondary legislation governing it, this was the description of electoral law according to the Law Commissions’ joint interim report on electoral law, published on 4 February 2016.

The primary focus of our inquiry was to determine how urgent the need was to consolidate and update electoral law. The evidence we received from witnesses was entirely one sided—it is very urgent. The current state of electoral law poses risks or difficulties for nearly every actor in a general election. We analyse this from the point of view of candidates, agents and political parties, electoral administrators and voters.

We held a roundtable discussion with representatives of political parties and were struck by their descriptions of the complexity of electoral law and ensuring compliance. We believe that the difficulties faced with complying with electoral law would be even more pronounced for independent candidates, who do not have access to party resources and training. We also received evidence on the implications of the *R v Mackinlay* judgment for the law on notional spending. The uncertainty about some aspects of Electoral Law leaves even the most professional agents in fear of falling foul of the law through no fault of their own. We recommend that the Government, as part of electoral law reform, should consult on whether there is clear consensus on clarifying the law on notional spending.

The people who actually run elections are one of the most affected groups. We were told that there are many “complex cross references between individual pieces of electoral law, which Returning Officers must understand and comply with”. For example, Returning Officers running the Combined Authority Mayoral elections, which were held on the same day as local government elections in 2017 and 2018, needed to refer to at least 11 separate pieces of primary legislation and a further six pieces of secondary legislation. Electoral administrators approach their jobs with dedication but the complexity of electoral law adds further pressure on them to successfully deliver elections. We conclude that the level of complexity and difficulty they face is wholly unnecessary.

The final group, voters, face particular difficulty in challenging elections. The election petition system is outdated, does not benefit from modern court reforms and is not fit for purpose. In particular, electors face potentially prohibitive cost implications to bring election petitions. We agree with the Law Commissions’ recommendation to bring the election petition system into the modern court system. We also recommend there should be a central complaints mechanism for voters who wish to register a complaint but do not seek to overturn an election result.

Ultimately the evidence we have received demonstrates a clear need for electoral law to be consolidated and simplified, which should be regarded by the Government as a pressing priority. We recommend that the Government should initially focus on non-controversial consolidation before evaluating whether more radical reforms to electoral law should be implemented.

The Government has announced plans to roll-out voter ID for elections, following local election pilots in 2018 and 2019. The Government stated this was with a view to reducing voter fraud and ensuring voter security. Critics of voter ID proposals have described it as a “sledgehammer to crack a nut” and raised concerns about the impact of such proposals on particular demographics. We conclude that there is a lack of robust information on the potential impact of voter ID on particular demographics and, in the absence of cost information, it is impossible to evaluate the value for money of the Government’s proposals. We therefore recommend the Government should proceed with extreme caution and continue with voter ID pilots.

Finally, we strongly welcome the Government’s plans to introduce an electoral offence of intimidation of a candidate or a campaigner during an electoral period, a proposal which was generally well received by witnesses in written submissions to our inquiry.

1 Electoral law and our inquiry

1. “Complex, voluminous and fragmented” and with an “enormous amount” of primary and secondary legislation governing it. This was the verdict of the Law Commissions’ joint interim report on electoral law, published on 4 February 2016.¹ In 2015 the Electoral Commission identified more than “50 relevant Acts and over 170 statutory instruments that have a bearing on the delivery of elections”.² The joint report made several recommendations to consolidate electoral law and ensure it was fit for purpose.³ The Minister told us that a final report from the Law Commission is due in 2020.⁴ Since the interim report was published, substantial progress has yet to be made on the consolidation and updating of electoral law.

2. We therefore decided to hold an inquiry into electoral law. The primary thrust of the inquiry can be summed up as follows: “How urgent is the need to simplify, update and consolidate electoral law?”

3. In this report we consider the following key points:

- The urgency of the need to update electoral law. As part of this we examine the functioning of electoral law from the perspectives of candidates and political parties, electoral administrators and voters (chapter 2).
- The Government’s proposals for voter ID and postal voting reform (chapter 3).
- The intimidation of candidates and campaigners (chapter 4).

4. Our findings can be simply summarised: there are several serious risks in the current system of electoral law. These risks are unnecessary and consolidation and simplification of electoral law must be regarded as a serious priority.

The Committee’s inquiry

5. The Committee launched the inquiry on 8 March 2019 and received written evidence from 22 individuals and organisations. We held four evidence sessions and heard from:

- Nicholas Paines QC, Commissioner for Public Law and Henni Ouahes, Lawyer, Public Law Team, The Law Commission; Peter Stanyon, Association of Electoral Administrators, and Louise Round, Solace Spokesperson for Elections and Democratic Renewal.
- Dr Toby James, Head of Politics, University of East Anglia, Dr Alistair Clark, Reader in Politics, Newcastle University; Dr Jessica Garland, Director of Policy and Research, Electoral Reform Society, Dr Stuart Wilks-Heeg, Reader in Politics, University of Liverpool, Professor Maria Sobolewska, Professor of Political Science, University of Manchester.

1 [Electoral Law: A Joint Interim Report](#), Law Commission, Scottish Law Commission and Northern Ireland Law Commission, February 2016, para 1.15

2 The Electoral Commission ([ELL0002](#)), para 8

3 [Electoral Law: A Joint Interim Report](#), Law Commission, Scottish Law Commission and Northern Ireland Law Commission, February 2016

4 [Q305](#)

- Bob Posner, Chief Executive and Louise Edwards, Director of Regulation, Electoral Commission.
- Kevin Foster MP, Interim Minister for the Constitution.

We are grateful to everyone that contributed to the inquiry and in particular to the Law Commission for their evidence and expert advice at the beginning of our inquiry.

2 The urgency of updating electoral law

6. The primary question we answer in this report is “how urgent is the need to update and consolidate electoral law?” At a high level, Dr Stuart Wilks-Heeg and Professor Maria Sobolewska told us that much of the legislation is archaic and not fit for purpose, with some offences under the Representation of the People Act 1983 using such archaic formulations as “treating” and “undue influence”.⁵ Dr Heather Green argued that electoral law in its current form fell short of constructional standards and that:

Electoral law should be framed in a manner which enables the interested citizen at least to locate the statutory setting of relevant rules. Our legislative regime is opaque and often impenetrable to the non-expert; even experts can struggle to elucidate its content.⁶

7. In this chapter we set out the evidence for our conclusion, based on the overwhelming and concordant evidence we have received, that updating electoral law is urgent. We do this by examining electoral law from the perspectives of different actors in elections: candidates, their agents and political parties, electoral administrators and voters. We also consider whether such updating should simply look to consolidate existing electoral law or seek to engage in more radical reform.

Candidates, agents and political parties

8. We held a private seminar at the outset of our inquiry with representatives of political parties to understand their views on the state of electoral law. Their view was very clear - that there was a strong need to consolidate and simplify electoral law, citing the complexity of electoral law as the primary reason. We were struck in particular by one participant, who worked in party electoral law compliance, who said, if they had a second chance at life, they would not have chosen such a job due to the sheer difficulty with ensuring compliance. Another said they were unwilling to continue with the job, due to the level of personal risk they face. An example of complexity confronting party compliance officers included deciding whether expenditure would properly be considered national or constituency campaign spending. Another participant told us they could not recommend volunteers to act as candidate’s agents, owing to the level of risk that they would face.

9. Both the Labour Party and the Conservative Party in written evidence to us raised the question of Section 90C of the Representation of the People Act, specifically rules on “notional spending”.⁷ As set out in the recent judgment of *R v Mackinlay & Others*,⁸ notional spending refers to goods or services transferred to the candidate, or provided to the candidate for their use or benefit for free or at a discount.⁹ Notional spending must be included in a candidate’s spending return. As set out in the judgment, the following three-point cumulative test is used to determine whether something is notional spending for the purposes of the Act:

5 Dr Stuart Wilks-Heeg and Professor Maria Sobolewska ([ELL0008](#))

6 Dr Heather Green ([ELL0009](#))

7 Labour Party ([ELL0022](#)); Conservative Party ([ELL0011](#))

8 [\[2018\] UKSC 42](#)

9 [Notional spending: How does it work for candidates and agents](#), Electoral Commission

- (1) Were the services provided for the use or benefit of the candidate either free of charge or at a discount of more than 10% of commercial value?
- (2) Were they made use of by or on behalf of the candidate? and
- (3) If the services had actually been paid for (expenses actually incurred) by or on behalf of the candidate, would those expenses be election expenses incurred by or on his behalf (and thus subject to the various controls imposed by the Act)?¹⁰

10. Lord Hughes, giving the judgment of the Court in the case of *R v Mackinlay and others* stated:

Care will have to be taken upon the question of who may be found to be acting on behalf of the candidate in making positive use of such services, but the problem of who acts on behalf of a candidate, and when, is not an unfamiliar one in election law. It does not seem likely that use by a campaigner would be held to be by or on behalf of a candidate who had positively refused to accept the benefit of the services (etc). There may, on some facts, be a difference between the critical requirement for use by or on behalf of the candidate and the suggested one of authorisation, but in many cases those factual issues may well be closely related.¹¹

11. We received written evidence from political parties about the implications of this judgment. The Labour Party said it would be supportive of legislation that “that would serve to clarify Parliament’s intention as to the extent the election agent is responsible for expenditure by third party campaigns to support their candidates.”¹² The Conservative Party expressed concern that the judgment of *R v Mackinlay & Others* represented a “backdoor change” in the law that has created confusion and meant that “election candidates and agents will now be responsible for notional free ‘benefits’ that they have never authorised or approved” and said that it would support legislation to reverse the ruling and “provide greater legal clarity”.¹³

12. The Electoral Commission acknowledged that concerns had been raised by some candidates about the extent to which they or their agents were liable for the actions or spending of their parties or supporters.¹⁴ In response to these concerns it pointed to guidance it has published on notional spending, which included illustrative examples.¹⁵ The Electoral Commission explained its concern at the idea that the law should be changed so that such expenditure would only apply if “authorised by them or their election agent”, arguing this would undermine local spending limits by allowing parties to spend as much as they liked (subject to national limits) promoting candidates in key marginal seats, as long as the candidate or their agent had not authorised it. This would undermine the purpose of candidate spending limits that aim to create a level playing field for candidates.¹⁶

13. Dr Jessica Garland, Director of Policy and Research of the Electoral Reform Society, told us that the last local elections saw a large increase in the number of independent

10 [R v Mackinlay and others \(Respondents\)](#), [2018] UKSC 42, para 18

11 [Ibid](#), para 25

12 Labour Party, [ELL0022](#)

13 Conservative Party, [ELL0011](#), paras 19-25

14 [Electoral Commission](#), ELL0002, para 39

15 [Notional spending: How does it work for candidates and agents](#), Electoral Commission

16 [Electoral Commission](#), ELL0002, para 44

candidates and said that thought should be given to whether it is possible for ordinary citizens without that party support to put themselves forward for election and have all the training and confidence to go forward.¹⁷

14. In oral evidence to us, the Interim Minister for the Constitution, Kevin Foster MP, indicated his personal preference would be to introduce some clarification in the law on third-party spending, but “the Government would seek to achieve some clear consensus in taking that forward”.¹⁸

15. The complexity of electoral law can make it difficult for even professional party compliance teams to ensure the law is adhered to but this difficulty is doubtless even more pronounced for people who wish to stand as independent candidates and will therefore not have access to party resources and training. The uncertainty about some aspects of Electoral Law leaves even the most professional agents in fear of falling foul of the law through no fault of their own. Consolidation of electoral law would help make information on the requirements on candidates and their agents more accessible which is particularly important for people wishing to stand as independents and would help make it easier to comply with the law.

16. As part of electoral law reform, the Government should consult stakeholders on how the law on notional spending can be clarified but reform should only be taken forwards on the basis of clear consensus.

Electoral administrators

17. The Electoral Commission suggested that one of the groups most affected by the “large, complex and outdated” body of electoral law is the people who run elections (alongside those wishing to stand for elections or who want to campaign).¹⁹ The Electoral Commission argued there are many “complex cross references between individual pieces of electoral law, which Returning Officers must understand and comply with” and noted that following the wrong procedures could lead elections to being open to legal challenge.²⁰ This risk is heightened if multiple elections are held in one day. For example, Returning Officers running the Combined Authority Mayoral elections, which were held on the same day as local government elections in 2017 and 2018, needed to refer to at least 11 separate pieces of primary legislation and a further six pieces of secondary legislation.²¹ This point was echoed by Dr Stuart Wilks-Heeg and Professor Maria Sobolewska.²²

18. The complexity facing electoral administrators is further demonstrated by the following table, submitted by Dr Alistair Clark, which sets out the number of polling station workers who felt that electoral law was too complex to understand quickly and easily (% agree/strongly agree):²³

17 [Q173](#)

18 [Q331](#)

19 [Electoral Commission](#), ELL0002, para 11

20 [ibid](#)

21 [ibid](#)

22 [Dr Stuart Wilks-Heeg and Professor Maria Sobolewska](#), ELL0008, para 8

23 [Dr Alistair Clark](#): ELL0007

	Training spent enough time covering electoral law & procedures	Election law too complex to understand quickly & easily	Number
2015 general election	70.5	19.3	1258/1295
2018 local elections	73.5	15.2	2149
2016 Scottish parliament election	77.6	16.9	425

19. An example of the difficulties faced by electoral administrators was provided by Dr Alistair Clark in relation to the 2010 General Election in which queues built up at polling stations. There was a lack of clarity among polling station staff on how to deal with those queues. Some voters were allowed to vote and others were not, something he suggested “could easily happen again”.²⁴ Dr Toby James told us that the law “is not understandable to a vast number of administrators” and that administrators describe “situations in which they are arguing black and white over the law.”²⁵

20. A further example, from Plymouth in 2017, was provided by Dr Stuart Wilks-Heeg. In 2017 polling cards were sent to 300-odd voters, who were then removed from the electoral register without their knowledge (although their removal was correct). Some of those voters turned up at the polling station and were reinstated that day, which was “definitely not the correct things to do”. Ultimately the election was not close, but had it been, it would have been subject to legal challenge.²⁶

21. We were told by Nicholas Paines QC of the Law Commission that there was “a risk of error in the application of the law, simply because it is confusingly presented.”²⁷ An example of a legislative “near miss” was that the electoral legislation for police and crime commissioners did not include provision for Welsh language ballot papers, which “had to be remedied at the 11th hour to avoid obvious embarrassment”.²⁸ Henni Ouahes, also of the Law Commission, explained:

There have been the odd errors and the odd legal challenge, and, like with the Welsh ballot papers and PCC elections, there have been the near misses, but the feeling is that the risks are only getting greater, and now is the time to reduce those risks or eliminate them entirely by doing proper law reform.²⁹

22. Louise Round, the elections spokesperson for Solace, suggested electoral law reform was “pretty urgent” and drew attention to “the sheer complexity of trying to navigate your way through elections legislation, particularly as it is usually a fairly heightened atmosphere you are trying to do that within and often at fairly short order.”³⁰ Similarly, Peter Stanyon, the Chief Executive of the Association of Electoral Administrators, while assuring us that elections “will always work”, said “it is the fact that there are lots of little technical things that bring that risk into the process and make the need for change more urgent by the day.”

24 [Q111](#)

25 [Q110](#)

26 [Q164](#)

27 [Q4](#)

28 [Q5](#)

29 [Q6](#)

30 [Q55](#)

23. **It is clear from the evidence that the current state of electoral law poses serious risks and difficulties for electoral administrators. Electoral administrators approach a very challenging job with dedication but they are forced to contend with serious pressures in order to successfully deliver elections. The level of difficulty and complexity faced by electoral administrators is unacceptable and wholly unnecessary.**

Voters

24. Many of the issues that were raised over the course of our inquiry do not directly affect voters but it is axiomatic that voter confidence in elections is an essential requirement for a democratic system. Bob Posner, the Chief Executive of the Electoral Commission told us:

Most significant—you would have to say this is the bottom line—is voter confidence in elections, and voter trust in the legitimacy of elections. If we get to a situation in the UK, and we are beginning to see it, where, however hard administrators try and however well elections are run by everyone involved, it becomes inevitable that in any set of elections an increasing number of errors will happen because of pressures, that goes to voter confidence.³¹

25. This point was mirrored by Dr Stuart Wilks-Heeg and Professor Maria Sobolewska’s written evidence, saying “it is difficult to see how public confidence in elections can be sustained if there are regular instances of candidates, agents and campaigners failing to comply with the law or of significant administrative failings in the running of elections.”³²

Challenging elections - the election petition

26. Challenging the validity of an election is done through an election petition, which is heard by an election court. An election court can annul an election or correct the result. The election petition is the only mechanism for challenging elections.³³ Election petitions can be brought by an unsuccessful candidate, one or more electors at a parliamentary election, or four electors at a local government election.³⁴ The Electoral Commission told us that the election petition in the case of Tower Hamlets “highlighted the almost prohibitive cost and complexity faced by candidates or ordinary electors who want to challenge elections, because of the outdated legal procedures that are currently set out in law.”³⁵ The Law Commission recommended that the election court should use the modern court system, with challenges governed in each UK jurisdiction by simple and modern rules of procedure.³⁶

27. Henni Ouahes argued the petition system was “not fit for purpose” and said that, although the petitioners won the Tower Hamlets case “the big scandal at the time was that, although they won, they had to, essentially, face losing their homes if they had lost,

31 [Q204](#)

32 Dr Stuart Wilks-Heeg and Professor Maria Sobolewska, [ELL0008](#), para 11

33 [Electoral Law: A Joint Interim Report](#), Law Commission, Scottish Law Commission and Northern Ireland Law Commission, February 2016, para 13.2

34 [s121](#) and [s128](#) Representation of the People Act 1983

35 [Electoral Commission](#), ELL0002, para

36 [Electoral Law: A Joint Interim Report](#), Law Commission, Scottish Law Commission and Northern Ireland Law Commission, February 2016, recommendation 13-10 and [Q17](#)

because of the costs of the other side, which they would be liable to pay.”³⁷ Andy Erlam, one of the petitioners in the Tower Hamlets case, argued that legal aid should be introduced for election petitions “which reach a certain threshold” and that frivolous or vexatious petitions could be dealt with by being struck out. Ultimately, “the citizen should always have the power to challenge an election result.”³⁸

28. Dr Wilks-Heeg told us that, in cases where there are serious allegations of corrupt and illegal practices, there was a very serious risk that election petitions would not be brought because the potential petitioners would not be willing to bear the risks and costs.³⁹ Professor Sobolewska argued that victims of fraud tend to be people living in conditions of social deprivation and marginalisation, who would not be able to bear such cost or access complex legal advice.⁴⁰

29. Dr Wilks-Heeg further explained that although the original purpose of election petitions was to tackle corruption in elections, they were often instead being used to fix cases of maladministration, such as the returning officer accidentally declaring the wrong winner. The only way to fix such an error is through an election petition which is “a very expensive, very time-consuming and complex process”.⁴¹

30. The Minister told us that he was clear that he wanted the electoral petition system to be about “bad practice and not about bad loser”⁴² and to avoid “lawfare” entering the electoral process.⁴³

31. The election petition system for challenging elections is archaic, too complicated and not fit for purpose. It is in the public interest that meritorious election petitions are brought forward but the under the current system there is a risk that such petitions will not be brought forward, due to the complexity of the process and the level of potential cost. We agree with the Law Commission’s recommendation that that the election petition system is brought into the modern court system. As part of any such reform, the Government must ensure the right balance is struck between ensuring access to justice for electors and also preventing vexatious attempts to challenge elections.

A central complaints mechanism

32. One of the suggestions put to us by witnesses to our inquiry was that there should be a central mechanism for people who wish to register a complaint about an election, without wishing to actually overturn the election result. The Law Commissions proposed the consultation paper that there should be an “an informal means of reviewing complaints about elections which do not aim to overturn the result.” The recommendation in their interim report was:

Electors’ complaints about the administration of elections (which do not aim to overturn the result) should be investigated by the Local Government

37 [Qqs 17-18](#)

38 [Andy Erlam \(ELL0024\)](#)

39 [Q166](#)

40 [Ibid](#)

41 [Ibid](#)

42 [Q310](#)

43 [Q311](#)

Ombudsman in England, the Scottish Public Services Ombudsman, the Public Service Ombudsman for Wales and the Northern Ireland Ombudsman.⁴⁴

33. Dr Toby James endorsed this suggestion in oral evidence to us, noting that there was a lack of a central location for such complaints (people are “being pushed to individual returning officers rather than having one central location”) and that the exemption of returning officers and electoral registration from freedom of information requirements meant we did not know how widespread the issues were.⁴⁵

34. There is value in having a centralised complaint mechanism for people who wish to register a grievance but without seeking to challenge the validity of an election. For example, this would provide greater visibility about the sort of issues voters wish to register complaints about. We recommend such a mechanism is created.

Electoral law reform - simple consolidation or more radical reform?

35. The proceeding chapters demonstrate that there are clear, unnecessary and serious risks facing candidates (and their agents), electoral administrators and voters. The proposition that there is an urgent need to update and simplify electoral law was utterly uncontroversial among witnesses. We were therefore pleased to hear from the Minister that the Law Commission will be publishing its final report next year. However one question that was raised in our inquiry was whether any electoral reform Bill will only consolidate and simplify the law or if it should seek to make more radical changes to electoral law.

36. Dr Jacob Eisler, Associate Professor of Public Law at the University of Southampton Law School, argued that consolidation and clarification of the existing law should take place before any systemic substantive reform.⁴⁶ Dr Eisler warned that systemic reform of electoral law can “have unintended consequences which often transform or exacerbate, rather than resolve, the problem targeted.”⁴⁷ Engaging firstly in consolidation would provide an opportunity to more easily assess what systemic reforms are necessary.⁴⁸

37. Professor Justin Fisher, while noting there were problems with the current rules on and distinctions between national and constituency level spending, argued that these arrangements should not be changed, suggesting that such reforms all have problems within them that are even worse than the status-quo.⁴⁹

38. Dr Alistair Clark, conversely, argued that there were risks in pursuing consolidation. In particular, loopholes would continue to be exploited by political parties and others and that, after consolidation lawmakers may claim that electoral law has been fixed when it had not been⁵⁰ and Dr Toby Young suggested that to consolidate electoral law would present

44 [Electoral Law: A Joint Interim Report](#), Law Commission, Scottish Law Commission and Northern Ireland Law Commission, February 2016, Recommendation 13-13

45 [Q114](#)

46 Dr Jacob Eisler, [ELL0001](#)

47 [ibid](#), para 2.1

48 [ibid](#)

49 Professor Justin Fisher, [ELL0005](#)

50 Dr Alistair Clark, [ELL0007](#) para 10

a “rare opportunity” to “modernise other aspects of electoral law.” Possible reforms could include automatic registration of 16-year olds when they receive their national insurance numbers and strengthening the long-term funding of elections.⁵¹

Digital campaigning

39. In its consultation response on *Protecting the Debate: Intimidation, Influence and Information*, the Government confirmed its intention to introduce an imprint regime for digital campaign material.⁵² Witnesses to our inquiry welcomed such a proposal.⁵³

40. Some witnesses contended that further reforms were necessary for digital campaigning. The Electoral Reform Society argued steps needed to be taken to improve “transparency on spending and ad content more broadly”, which would necessitate a more comprehensive review of electoral rules.⁵⁴ The Electoral Commission provided some recommendations for digital campaigning such as:

- Digital campaign material must have an imprint saying who is behind the campaign and who created it.
- Campaigners should sub-divide their spending returns into different types of spending and should give more information about the money spent on digital campaigns.
- Social media companies should work with the Electoral Commission to improve their policies on campaign material and advertising for elections and referendums in the UK.⁵⁵

41. **Under the current body of electoral law, nearly everyone involved in a general election faces significant risks or challenges. A primary cause of this is the archaic and confusing state of electoral law. This is not an acceptable state of affairs. The updating and simplification of electoral law must be seen as a pressing priority for the Government.**

42. *We recommend that the Government should initially prioritise non-controversial consolidation of electoral law that can command cross-party support. The Government should base this work on the final report of the Law Commission on electoral law, due in 2020. Once this initial consolidation has been achieved, the Government should then proceed to evaluate the effectiveness of electoral law more generally to determine whether more substantive reforms should be introduced.*

43. *We also recommend that our successor Committee should carry out an inquiry into the role and effectiveness of the Electoral Commission.*

51 Dr Toby James ([ELL0021](#))

52 [Protecting the Debate: Intimidation, Influence and Information: Government Response](#), Cabinet Office, May 2019

53 See for example: Electoral Reform Society ([ELL0016](#)); Councillor Peter Golds ([ELL0018](#)); The Electoral Commission ([ELL0002](#)); Labour Party ([ELL0022](#)); Conservative Party ([ELL0011](#))

54 Electoral Reform Society ([ELL0016](#))

55 The Electoral Commission ([ELL0002](#))

44. *We welcome the Government's plans to introduce a digital campaign imprint regime. As part of the greater evaluation of electoral law we suggested in paragraph 42, the Government should consider in particular the impact of modern digital tools on election campaigning.*

3 Reducing fraud and improving voter confidence in elections

45. In the Queen’s Speech 2019, the Government announced proposals to improve electoral integrity in the UK. These proposals included, *inter alia*, the introduction of photographic voter ID requirements and a ban on political party campaigners from handling postal votes.⁵⁶ The proposals for voter ID have proven particularly controversial. In this chapter we examine the Government’s proposals to reduce fraud and improve voter confidence in elections, specifically the Government’s plans to introduce voter ID and postal voting reforms.

Voter ID

The Government’s policy

46. Following a report from (the then) Rt Hon Sir Eric Pickles on electoral fraud,⁵⁷ the Government announced its intention to assess the viability of voter ID requirements pilot schemes in “specified local authority areas”. Such pilots took place in local elections in 2018 and 2019. These pilots tested the following models of voter ID:

Table 1: 2018 Voter ID Pilots

Identification model	Local Authority
Poll card model	Swindon
	Watford
Mixed ID model	Bromley
	Gosport
Photographic ID model	Woking

Source: [Electoral Integrity Project - Local Elections 2018 - Evaluation](#), Cabinet Office, August 2018

Table 2: 2019 Voter ID Pilots

Identification model	Requirement	Local Authority
Poll card model	Poll card (technology enabled) - electors told to bring poll cards - with barcodes that can be scanned on them - to the polling station.	Mid Sussex and Watford (Watford piloted the same ID requirements in 2018.)
	Poll card (non-tech) - Electors told to bring poll cards to the polling station.	North West Leicestershire

56 [The Queen’s Speech and Associated Background Briefing, on the Occasion of the Opening of Parliament on Monday 14 October 2019.](#)

57 [Securing the ballot Report of Sir Eric Pickles’ review into electoral fraud](#), Sir Eric Pickles, August 2016

Identification model	Requirement	Local Authority
Mixed ID model	Electors told to bring either one form of photographic ID or two forms of non-photographic ID to the polling station.	Derby, Craven, Braintree, North Kesteven and Broxtowe
Photographic ID model	Electors told to bring one form of photographic ID to the polling station.	Woking and Pendle (Woking piloted the same ID requirements in 2018.)

Source: [Evaluation of Voter ID Pilots 2019: Evaluation of pilots introducing an ID requirement for voters at polling stations in May 2019 local elections](#), Cabinet Office, July 2019

47. On 11 September 2018, the Committee held an evidence session with the Minister for the Constitution, Chloe Smith MP, to scrutinise the 2018 Voter ID trials.⁵⁸ At this time the Committee expressed concern about the evaluation of the pilots by the Cabinet Office,⁵⁹ the potential effect of the policy on BAME groups,⁶⁰ and the inability of the Government to be able at the time to provide an estimate of the cost of pilots.⁶¹

48. The mixed ID model and the photographic ID model in the 2019 pilots included the provision of free, locally issued ID available from the local authority, if electors did not have the required form of ID.⁶² Following these pilots, the Queen’s Speech 2019 announced that photographic voter ID requirements would be introduced. The Minister told us he did not see such requirements being rolled out until May 2022 “at the earliest”.⁶³

The merits of voter ID

49. Voter ID was the most controversial part of our inquiry, we received submissions both strongly in favour and resolutely opposed.

50. The voter identification pilots were welcomed by the Conservative Party, who suggested that the roll-out of pilots was a positive step for evidence-based policy making and argued that, in Great Britain, “it is harder to take out a library book or collect a parcel at a post office than it is to vote in someone else’s name.”⁶⁴ Councillor Peter Golds of Tower Hamlets also supported voter ID, telling us that “vote early, vote often” was a problem during the Troubles in Northern Ireland, which was effectively eliminated by the introduction of voter identification. He argued that the voter ID pilots were a success and Northern Ireland provides a precedent that this is “a simple procedure which will increase confidence in the electoral process.”⁶⁵ The Government, in written evidence, explained that this was with the aim of “reducing the risk of voter fraud and ensuring voter security”.⁶⁶

58 Public Administration and Constitutional Affairs Committee, Session 2017-9, Oral evidence, Electoral intimidation and voter identification, 9 September 2018, HC 1366

59 Ibid [Q5](#)

60 Ibid [Q16-19](#)

61 Ibid [Q22](#)

62 [Evaluation of Voter ID Pilots 2019: Evaluation of pilots introducing an ID requirement for voters at polling stations in May 2019 local elections](#), Cabinet Office, July 2019

63 [Q364](#)

64 Conservative Party ([ELL0011](#))

65 Councillor Peter Golds ([ELL0018](#))

66 Cabinet Office ([ELL0012](#))

51. The proposed introduction of voter ID has been described by the Electoral Reform Society as a “sledgehammer to crack a nut”⁶⁷ and they told us that there was no evidence that personation is a widespread practice.⁶⁸ In research conducted by the Electoral Reform Society, only 4% of respondents identified voter ID as the most important issue for elections, more highly prioritised subjects were large financial donors, the accuracy of the voting register and ensuring media coverage was balanced.⁶⁹ The Labour Party argued that voter ID requirements would have a disproportionate impact on voters with protected characteristics, such as “ethnic minority communities, older people, trans people and people with disabilities.”⁷⁰ It has been suggested that some 3.5 million voters might be affected as they do not have any form of photo ID.⁷¹

52. Dr Alistair Clark told us that the international consensus was that personation was “the most costly, difficult and risky way to commit electoral fraud.”⁷² Dr Toby James echoed this, saying that there was “no evidence that this form of electoral fraud is a serious problem in British elections, proportionate to other issues” and set out the table below on problems reported by polling officers in the 2018 local elections:

Table 3: Problems reported at the Polls in the English local elections 2018

Potential problems	Percentage of respondents reporting at least one problem
People asking to vote but not on register	52
Disabled voters having problems competing ballot papers	14
Members of parties being where they shouldn't be	9
Disabled voters having problems with access to the polling station	9
People taking photos of ballot/polling stations	8
Members of parties intimidating public	8
People ask to vote whose identity I was unsure of	5
Suspected cases of electoral fraud	1

Source: Dr Toby James ([ELL0021](#))

53. Dr Stuart Wilks-Heeg and Professor Maria Sobolewska expressed the view that it was “difficult to square the government’s sole focus on voter ID with the wider evidence of threats to electoral integrity in the UK”, explaining that allegations of personation “accounted for a total of 178 cases alleging from 2010–18, with a peak of 44 cases in 2016” and the number of convictions for personation “could be counted on one hand”.⁷³ Dr Toby James told us that it was “reasonably clear” that “There is no real evidence to support the need for [voter ID]”.⁷⁴

67 [A Sledgehammer to Crack a Nut: The 2018 Voter ID Trials](#), Electoral Reform Society, 11 September 2018

68 Electoral Reform Society ([ELL0016](#))

69 [Poll: ‘Need’ for voter ID should be least of our worries, say voters](#), Electoral Reform Society, 6 June 2018

70 Labour Party ([ELL0022](#))

71 [Ibid](#)

72 Dr Alistair Clark ([ELL0007](#))

73 Dr Stuart Wilks-Heeg and Professor Maria Sobolewska ([ELL0008](#))

74 [Q140](#)

54. In oral evidence the Minister argued that it was not a case of “either/or” and other changes, such as to campaign finance rules, could be brought in along with voter ID and stressed that voters who did not have photographic ID would be able to access a free of charge Electoral Identity Card.⁷⁵ The Minister also pointed to Northern Ireland as proof a voter ID system could work.⁷⁶

The results of the 2019 pilots

55. The Cabinet Office, in its evaluation of the 2019 voter ID pilots, argued that the pilots demonstrated that all modes of voter ID “are workable”.⁷⁷ The tables below provide changes in elector views that there are sufficient safeguards at the polling station, comparing before and after polling day.

Table 4: Elector view on whether there are sufficient safeguards at polling stations

Method	Percentage before polling day (%)	Percentage after polling day (%) (change in brackets)
Poll card	62	65 (3%)
Mixed ID	63	78 (15%)
Photographic ID	57	63 (6%)

Source: [Evaluation of Voter ID Pilots 2019: Evaluation of pilots introducing an ID requirement for voters at polling stations in May 2019 local elections](#), Cabinet Office, July 2019

56. The Cabinet Office’s evaluation also reported the number of people who did not return after being refused a ballot paper for not bringing the required voter ID:

Table 5: Number of people refused a ballot paper in the 2019 voter ID pilots

		Number of people initially refused ballot paper	Number of people who didn’t return with ID	People who didn’t return, as a percentage of those who voted in the polling station
Mixed Model pilots	Braintree	203	73	0.3%
	Broxtowe	231	69	0.3%
	Craven	129	49	0.7%
	Derby	514	256	0.6%
	North Kesteven	145	68	0.4%
Poll card pilots	Mid Sussex	15	8	0.03%
	NW Leicestershire	266	61	0.4%
	Watford	94-209	33-51	0.2%
Photo ID only pilots	Pendle	284	101	0.7%
	Woking	87	22	0.1%

Source: [Evaluation of Voter ID Pilots 2019: Evaluation of pilots introducing an ID requirement for voters at polling stations in May 2019 local elections](#), Cabinet Office, July 2019

75 [Q342](#)

76 [Q346](#)

77 [Evaluation of Voter ID Pilots 2019: Evaluation of pilots introducing an ID requirement for voters at polling stations in May 2019 local elections](#), Cabinet Office, July 2019

The Cabinet Office’s evaluation stated that “The data collected indicated that no consistent demographic group, that we were able to examine, was adversely impacted by the models”.⁷⁸

57. The Electoral Commission, in its evaluation, identified three key areas for further consideration:

- Any ID requirement should deliver clear improvements to current security levels;
- any ID requirement should ensure accessibility for all voters; and
- any ID requirement should realistically be deliverable, taking into account the resources required to administer it.⁷⁹

58. The Electoral Commission stressed in their evaluation that “year-on-year turnout comparisons are difficult owing to the local government electoral cycle” and concluded that:

It is not possible to draw a clear connection between the pilot scheme and any changes in turnout. Limited data is available and where it is available, the pattern is not consistent. We also know that turnout is volatile and dependent on a number of factors.⁸⁰

The evaluation also explained that the polling station staff were not asked to collect demographic information about the people who did not return to vote and this means that “we have no direct evidence to tell us whether people from particular backgrounds were more likely than others to find it hard to show ID.”⁸¹

59. At the time of drafting this report, there was no cost information available for the 2019 pilots. The Cabinet Office evaluation is to be updated with validated cost data, once available.⁸² The Government’s evaluation of the 2018 voter ID, provided the following potential costs per general election:

Table 6: Potential cost of voter ID per general election (excluding the cost of IT equipment required in polling stations.)

Method	Potential cost per general election
Poll card model	£4.3m - £20.4m
Mixed ID model	£4.6m - £17.1m
Photographic ID model	£5.9m - £17.9m

Source: [Electoral Integrity Project - Local Elections 2018 - Evaluation, Cabinet Office](#), August 2018

60. It is essential that voters are able to have confidence in the integrity of UK elections, which voter ID can support but there is a lack of robust evidence about the potential effect of voter ID on particular demographics. Furthermore, in the absence of information on the potential cost of voter ID, it is impossible to evaluate the value

78 [Ibid](#)

79 [May 2019 voter identification pilot schemes](#), Electoral Commission, accessed 28 October 2019

80 [Ibid](#)

81 [Ibid](#)

82 [Evaluation of Voter ID Pilots 2019: Evaluation of pilots introducing an ID requirement for voters at polling stations in May 2019 local elections](#), Cabinet Office, July 2019

for money of introducing such requirements. In the absence of such information, voter ID is something over which the Government should exercise extreme caution over proceeding with. We recommend that the Government should continue with voter ID pilots to provide a greater evidence base on the impacts of voter ID on particular demographics and the likely cost of the national roll-out of voter ID.

Postal voting

61. The Government also announced in the Queen’s Speech plans to reform postal voting by:

- Banning campaigners from handling postal votes,
- introducing a power to limit the number of postal votes a person may hand-in, and
- establishing a requirement on those registered for a postal vote to re-apply every three years.⁸³

Tightening up postal voting requirements to prevent fraud was uncontroversial in our inquiry, particularly the suggestion of banning campaigners from handling postal votes. The Electoral Commission described it as “inappropriate” for campaigners to be directly involved in the administration of the voting process, including completing absent vote applications and postal ballot packs, both due to the direct risk of fraud and the perception of voters that such activity would be inappropriate.⁸⁴ Other witnesses also welcomed a ban on campaigners handling postal votes.⁸⁵

62. We welcome and support the Government’s planned postal voting reforms outlined in the Queen’s Speech 2019.

83 [Evaluation of Voter ID Pilots 2019: Evaluation of pilots introducing an ID requirement for voters at polling stations in May 2019 local elections](#), Cabinet Office, July 2019

84 The Electoral Commission ([ELL0002](#))

85 Dr Stuart Wilks-Heeg and Professor Maria Sobolewska ([ELL0008](#)); Association of Electoral Administrators ([ELL0004](#))

4 Intimidation of candidates and campaigners

63. The Government plans to introduce a new electoral offence of intimidation committed against a candidate or campaigner during an electoral period.⁸⁶ This followed a recommendation from the Committee on Standards in Public Life.⁸⁷ The Committee on Standards in Public Life explained their support for the creation of such an offence as follows:

Making intimidation an electoral offence would serve the purpose of emphasising that intimidation of a parliamentary candidate is an affront to the integrity of our democracy, as well as an offence against the individual victim.⁸⁸

64. The Cabinet Office explained in written evidence that the electoral offence “would apply appropriate electoral sanctions to existing, clearly defined criminal law offences and would not make anything illegal that is currently legal under criminal law.”⁸⁹

65. We welcome the Government’s proposals to introduce an electoral offence of intimidation against a candidate or campaigner during an electoral period and agree with the Government’s approach of not to make illegal anything which is currently legal under criminal law. We recommend that the creation of electoral offences of intimidation of candidates and campaigners should be included in the Law Commission’s final report on electoral law.

86 Cabinet Office ([ELL0012](#))

87 [Intimidation in Public Life: A Review by the Committee on Standards in Public Life](#), December 2017

88 Committee on Standards in Public Life ([ELL0006](#))

89 Cabinet Office ([ELL0012](#))

Conclusions and recommendations

The urgency of updating electoral law

1. The complexity of electoral law can make it difficult for even professional party compliance teams to ensure the law is adhered to but this difficulty is doubtless even more pronounced for people who wish to stand as independent candidates and will therefore not have access to party resources and training. The uncertainty about some aspects of Electoral Law leaves even the most professional agents in fear of falling foul of the law through no fault of their own. Consolidation of electoral law would help make information on the requirements on candidates and their agents more accessible which is particularly important for people wishing to stand as independents and would help make it easier to comply with the law. (Paragraph 15)
2. *As part of electoral law reform, the Government should consult stakeholders on how the law on notional spending can be clarified but reform should only be taken forwards on the basis of clear consensus.* (Paragraph 16)
3. It is clear from the evidence that the current state of electoral law poses serious risks and difficulties for electoral administrators. Electoral administrators approach a very challenging job with dedication but they are forced to contend with serious pressures in order to successfully deliver elections. The level of difficulty and complexity faced by electoral administrators is unacceptable and wholly unnecessary. (Paragraph 23)
4. The election petition system for challenging elections is archaic, too complicated and not fit for purpose. It is in the public interest that meritorious election petitions are brought forward but the under the current system there is a risk that such petitions will not be brought forward, due to the complexity of the process and the level of potential cost. *We agree with the Law Commission's recommendation that that the election petition system is brought into the modern court system. As part of any such reform, the Government must ensure the right balance is struck between ensuring access to justice for electors and also preventing vexatious attempts to challenge elections.* (Paragraph 31)
5. There is value in having a centralised complaint mechanism for people who wish to register a grievance but without seeking to challenge the validity of an election. For example, this would provide greater visibility about the sort of issues voters wish to register complaints about. *We recommend such a mechanism is created.* (Paragraph 34)
6. Under the current body of electoral law, nearly everyone involved in a general election faces significant risks or challenges. A primary cause of this is the archaic and confusing state of electoral law. This is not an acceptable state of affairs. The updating and simplification of electoral law must be seen as a pressing priority for the Government. (Paragraph 41)
7. *We recommend that the Government should initially prioritise non-controversial consolidation of electoral law that can command cross-party support. The Government should base this work on the final report of the Law Commission on electoral law, due*

in 2020. Once this initial consolidation has been achieved, the Government should then proceed to evaluate the effectiveness of electoral law more generally to determine whether more substantive reforms should be introduced. (Paragraph 42)

8. *We also recommend that our successor Committee should carry out an inquiry into the role and effectiveness of the Electoral Commission.* (Paragraph 43)
9. *We welcome the Government's plans to introduce a digital campaign imprint regime. As part of the greater evaluation of electoral law we suggested in paragraph 42, the Government should consider in particular the impact of modern digital tools on election campaigning.* (Paragraph 44)

Reducing fraud and improving voter confidence in elections

10. It is essential that voters are able to have confidence in the integrity of UK elections, which voter ID can support but there is a lack of robust evidence about the potential effect of voter ID on particular demographics. Furthermore, in the absence of information on the potential cost of voter ID, it is impossible to evaluate the value for money of introducing such requirements. In the absence of such information, voter ID is something over which the Government should exercise extreme caution over proceeding with. *We recommend that the Government should continue with voter ID pilots to provide a greater evidence base on the impacts of voter ID on particular demographics and the likely cost of the national roll-out of voter ID.* (Paragraph 60)
11. We welcome and support the Government's planned postal voting reforms outlined in the Queen's Speech 2019. (Paragraph 62)
12. We welcome the Government's proposals to introduce an electoral offence of intimidation against a candidate or campaigner during an electoral period and agree with the Government's approach of not to make illegal anything which is currently legal under criminal law *We recommend that the creation of electoral offences of intimidation of candidates and campaigners should be included in the Law Commission's final report on electoral law.* (Paragraph 65)

Formal minutes

Thursday 31 October 2019

Members Present

Sir Bernard Jenkin, in the Chair

Kelvin Hopkins Mr David Jones

David Morris

Draft Report (*Electoral Law: The Urgent Need for Review*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 65 read and agreed to.

Summary agreed to.

Resolved, That the Report be the First Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

[Adjourned till Tuesday 5 November 2019 at 09.30am

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 2 July 2019

Nicholas Paines QC, Commissioner for Public Law and **Henni Ouahes**, Lawyer, Public Law Team, The Law Commission [Q1–53](#)

Peter Stanyon, Association of Electoral Administrators, and **Louise Round**, Solace Spokesperson for Elections and Democratic Renewal [Q54–108](#)

Tuesday 16 July 2019

Dr Toby James, Head of Politics, University of East Anglia, **Dr Alistair Clark**, Reader in Politics, Newcastle University [Q109–162](#)

Dr Jessica Garland, Director of Policy and Research, Electoral Reform Society, **Dr Stuart Wilks-Heeg**, Reader in Politics, University of Liverpool, **Professor Maria Sobolewska**, Professor of Political Science, University of Manchester [Q163–201](#)

Tuesday 23 July 2019

Bob Posner, Chief Executive and **Louise Edwards**, Director of Regulation, Electoral Commission [Q202–302](#)

Monday 21 October 2019

Kevin Foster MP, Interim Minister for the Constitution [Q303–393](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

ELL numbers are generated by the evidence processing system and so may not be complete.

- 1 Association of Electoral Administrators ([ELL0004](#))
- 2 Cabinet Office ([ELL0012](#))
- 3 Clark, Dr Alistair ([ELL0007](#))
- 4 Committee on Standards in Public Life ([ELL0006](#))
- 5 Conservative Party ([ELL0011](#))
- 6 Democracy Club ([ELL0019](#))
- 7 Eisler, Dr Jacob ([ELL0001](#))
- 8 Electoral Commission ([ELL0002](#))
- 9 Electoral Reform Society ([ELL0016](#))
- 10 Erlam, Andy ([ELL0024](#))
- 11 Fisher, Justin ([ELL0005](#))
- 12 Golds, Councillor Peter ([ELL0018](#))
- 13 Green, Dr Heather ([ELL0009](#))
- 14 James, Dr Toby ([ELL0021](#))
- 15 Labour Party ([ELL0022](#))
- 16 Law Commission of England and Wales ([ELL0017](#))
- 17 Manchester City Council ([ELL0010](#))
- 18 NCVO ([ELL0014](#))
- 19 Quakers in Britain ([ELL0003](#))
- 20 Scottish Government ([ELL0020](#))
- 21 Solace ([ELL0013](#))
- 22 Wilks-Heeg and Professor Maria Sobolewska, Dr Stuart ([ELL0008](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2017–19

First Report	Devolution and Exiting the EU and Clause 11 of the European Union (Withdrawal) Bill: Issues for Consideration	HC 484
Second Report	Parliamentary Boundary Reviews: What Next?	HC 559 (HC 1072)
Third Report	PHSO Annual Scrutiny 2016–17	HC 492 (HC 1479)
Fourth Report	Ensuring Proper Process for Key Government Decisions: Lessons Still to be Learned from the Chilcot Report	HC 854 (HC 1555)
Fifth Report	The Minister and the Official: The Fulcrum of Whitehall Effectiveness	HC 497 (HC 1977)
Sixth Report	Accounting for Democracy Revisited: The Government Response and Proposed Review	HC 1197
Seventh Report	After Carillion: Public sector outsourcing and contracting	HC 748 (HC 1685)
Eighth Report	Devolution and Exiting the EU: reconciling differences and building strong relationships	HC 1485 (HC 1574)
Ninth Report	Appointment of Lord Bew as Chair of the House of Lords Appointments Commission	HC 1142
Tenth Report	Pre-Appointment Hearings: Promoting Best Practice	HC 909 (HC 1773)
Eleventh Report	Appointment of Mr Harry Rich as Registrar of Consultant Lobbyists	HC 1249
Twelfth Report	Appointment of Lord Evans of Weardale as Chair of the Committee on Standards in Public Life	HC 930 (HC 1773)
Thirteenth Report	A smaller House of Lords: The report of the Lord Speaker's committee on the size of the House	HC 662 (HC 2005)
Fourteenth Report	The Role of Parliament in the UK Constitution Interim Report The Status and Effect of Confidence Motions and the Fixed-term Parliaments Act 2011	HC 1813 (HC 2065)
Fifteenth Report	Status of Resolutions of the House of Commons	HC 1587 (HC 2066)
Sixteenth Report	PHSO Annual Scrutiny 2017/18: Towards a Modern and Effective Ombudsman Service	HC 1855 (HC 2640)
Seventeenth Report	Ignoring the Alarms follow-up: Too many avoidable deaths from eating disorders	HC 855 (CP 105)

Eighteenth Report	Governance of official statistics: redefining the dual role of the UK Statistics Authority; and re-evaluating the Statistics and Registration Service Act 2007	HC 1820 (HC 2656)
Nineteenth Report	Strategic Leadership in the Civil Service: Sustaining Self Governance and Future Capability while Supporting the Government of the Day	HC 1536 (HC 2687)
Twentieth Report	The Role of Parliament in the UK Constitution: Authorising the Use of Military Force	HC 1891 (HC 251)
Twenty-First Report	Work of the Committee since the 2017 General Election	HC 2658
First Special Report	Will the NHS never learn? Follow-up to PHSO report 'Learning from Mistakes' on the NHS in England: Government Response to the Committee's Seventh Report of Session 2016–17	HC 441
Second Special Report	The Future of the Union, part two: Inter-institutional relations in the UK: Government Response to the Sixth Report from the Committee, Session 2016–17	HC 442
Third Special Report	Lessons still to be learned from the Chilcot inquiry: Government Response to the Committee's Tenth Report of Session 2016–17	HC 708
Fourth Special Report	Government Response to the Committee's Thirteenth Report of Session 2016–7: Managing Ministers' and officials' conflicts of interest: time for clearer values, principles and action	HC 731
Fifth Special Report	Parliamentary Boundary Reviews: What Next?: Government Response to the Committee's Second Report	HC 1072
Sixth Special Report	PHSO Annual Scrutiny 2016–17: Government and PHSO Response to the Committee's Third Report	HC 1479
Seventh Special Report	Ensuring Proper Process for Key Government Decisions: Lessons Still to be Learned from the Chilcot Report: Government Response to the Committee's Fourth Report	HC 1555
Eighth Special Report	Government Response to the Committee's Eighth Report: Devolution and Exiting the EU: reconciling differences and building strong relationships	HC 1574
Ninth Special Report	Government Response to the Committee's Seventh Report: After Carillion: Public sector outsourcing and contracting	HC 1685
Tenth Special Report	Government Response to the Committee's Tenth Report: Pre-Appointment Hearings: Promoting Best Practice, and to the Committee's Twelfth Report: Appointment of Lord Evans of Weardale as Chair of the Committee on Standards in Public Life	HC 1773
Eleventh Special Report	Government Response to the Committee's Fifth Report: The Minister and the Official: The Fulcrum of Whitehall Effectiveness	HC 1977
Twelfth Special Report	Government Response to the Committee's Thirteenth report: A smaller House of Lords: The report of the Lord Speaker's committee on the size of the House	HC 2005

Thirteenth Special Report	Government Response to the Committee's Fourteenth Report: The Role of Parliament in the UK Constitution Interim Report The Status and Effect of Confidence Motions and the Fixed-term Parliaments Act 2011	HC 2065
Fourteenth Special Report	Government Response to the Committee's Fifteenth Report: Status of Resolutions of the House of Commons	HC 2066
Fifteenth Special Report	PHSO Annual Scrutiny 2017–18: Towards a Modern and Effective Ombudsman Service: Government and PHSO Response to the Committee's Sixteenth Report	HC 2640
Sixteenth Special Report	Governance of official statistics: redefining the dual role UK Statistics Authority; and re-evaluating the Statistics and Registration Service Act 2007: The UK Statistics Authority response to the Committee's Eighteenth Report	HC 2656
Seventeenth Special Report	Government response to the Committee's 19th Report: Strategic Leadership in the Civil Service: Sustaining Self-Governance and Future Capability while Supporting the Government of the Day	HC 2687

Session 2019

First Special Report	Government Response to the Committee's 20th Report of Session 2017–19: The Role of Parliament in the UK Constitution: Authorising the Use of Military Force	HC 251
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