



HOUSES OF PARLIAMENT

Joint Committee on Human Rights

Oral evidence: [Legislative Scrutiny: Electoral Integrity Bill](#), HC 223

Wednesday 26 May 2021

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Members present: Ms Harriet Harman (Chair); Lord Brabazon of Tara; Joanna Cherry; Lord Dubs; Lord Henley; Baroness Ludford; Baroness Massey of Darwen; Lord Singh of Wimbledon.

Questions 9 – 14

Witnesses

[I](#): Bob Posner, Chief Executive, Electoral Commission; Phil Thompson, Head of Research, Electoral Commission.

Examination of witnesses

Bob Posner and Phil Thompson.

Chair: Our second panel of witnesses comprises representatives of the Electoral Commission. I welcome Bob Posner, chief executive of the commission, and Phil Thompson, head of research at the commission.

Bearing in mind that the starting point is that voting is essential in a democracy and bearing in mind what you have heard our previous panel say, which is that the measures in this Bill make it even more likely that some people will not engage in our democracy, it sounds to me as if it will make a bad situation worse. We look forward to hearing the Electoral Commission representatives say whether or not they agree with that, and, if they agree, what they will do about it. Our first question is from Joanna Cherry.

Q9 Joanna Cherry: Good afternoon, gentlemen. I am the SNP Member of Parliament for Edinburgh South West.

I confess to being a bit puzzled in light of the evidence we have just heard as to why the Electoral Commission recommended photo ID for the United Kingdom. We have just heard that the consensus of academic evidence is that personation is very rare in the United Kingdom. That was what Professor James told us.

Dr Garland made the point that, if you want to change the result of an election fraudulently, personation is not a very effective way of doing it. She described it as neither possible nor plausible that you would be able to change a result by personation. As the Chair just said, Lord Woolley has described the potential adverse effects of introducing photo ID in the United Kingdom.

Can you tell us whether you disagree with the evidence we have just heard? If so, what are the Electoral Commission's reasons for recommending photo ID in the United Kingdom? Perhaps we could start with Mr Posner.

Bob Posner: Good afternoon, everyone. The Electoral Commission comes here without an agenda. Our job is to support and advise you and parliamentarians and to be directly accountable to Parliament. We look to consider things in an objective way. What the witnesses have just said are all genuinely held views and are very important points. We respect that. I think there were some very good and well-made points.

The commission comes from the context of stepping back from that and looking at the system as a whole. If you look at the system as a whole and where it has been and where it is going, we have a really strong system. As has been said, it is a system where voters can be confident that there are not high levels of voter fraud. These are all good things. However, as in any system, there are weaknesses and susceptibility to potential fraud. When we stepped back and looked at the system, we were all worried about the registration system. There is still a lot to be done on it. We had household registration and all the debates about

individuals, their rights and so forth. We introduced individual registration, which was a very good thing indeed. That was a response to a weakness in the system.

If we look at postal and proxy voting, we have not accepted the weaknesses of the system there. We have identified problems with it and the risks of fraud. There were some terrible cases in the 1990s of very highly organised fraud involving lots of people. We dealt with that. Parliaments have legislated and introduced controls, safeguards and security measures. That is not to say more should not and cannot be done. I know this Government intend to do more on that. These are very good things that we all support to tighten up the system.

The third key strand is people voting at polling stations. None of us would disagree that there is not much in the way of checks at polling stations about who turns up and votes. You heard evidence today about other countries and you are aware of what they do about that. Looking at it in the UK context, it seems to be a vulnerability.

To go back to your opening remarks, Chair, we can think about the necessity of making a change or, perhaps with a bit of foresight, think about making a change before there is a problem. That is probably the nub of it. Do we look at polling station voting and accept that there is a vulnerability? We probably do. Does one do nothing about that because one believes that the possibility of that vulnerability becoming real, with real problems of fraud, is remote, or does one take the view that one tightens up the system sooner than that? If you do that, how do you do it?

To clarify the commission's position, if I may, it is that in principle we do not think it is acceptable to ignore the vulnerability at polling stations, but we very much believe that, when you change the system, the balance of democracy is very much about having security in the system as a whole for voters, as part of human rights, but also absolute accessibility for all voters. I think Toby James mentioned that we have to have a very practical system that puts the voter first, and that it is straightforward and, as Lord Woolley mentioned, not complicated.

The commission's position with the Government, and what we have said, is that we await publication of the Bill. We will assess it against those three tests. The commission does not have a record of being shy about saying things. We will not be shy about saying things if we think there is disproportionality or that the Government have not properly addressed equality duties and made proper assessments of impacts. We will be looking at all of that. That is our context, if that helps as to where we are coming from.

Joanna Cherry: I still do not quite understand. I understand how one can look at this theoretically and say there is a weakness or a susceptibility to fraud, but in choosing whether it is necessary to address that weakness, surely we have to look at the evidence. We have just heard that there is consensus among academics that the evidence shows

personation is very rare. Surely, we have to carry out a cost-benefit analysis if, when we are dealing with a problem that is very rare, we create another problem—some might say a worse problem—in effectively disenfranchising people. Does that not suggest that the balance favours the status quo?

Bob Posner: Phil may want to come in on this, but I will lead off. When we look at it, we all agree that the incidence of cases of proven personation at polling stations is low. That is a great thing and very reassuring, but it is also an identity crime about which it is difficult to find evidence. I am not suggesting that there is a high incidence of it happening and of its being established, but we cannot say with confidence that there are not higher levels of personation than the statistics on cases brought by the police actually show. We can know only so much about that.

The other important strand is the confidence of voters in the system and the legitimacy of the election results. We know that, when one asks the public about perceptions of fraud, many people are concerned about our electoral system and that there is fraud going on. That includes in relation to polling stations, where academic research shows a high incidence—Phil may go into that—of people’s concerns and views that there should be voter ID at polling stations. I give that just as balance to the arguments.

Joanna Cherry: I hear that and I have seen the research you have done. You have identified a weakness. People might have concerns, but can we not assuage those concerns about weakness, both yours and the public’s, by showing that the academic consensus is that the evidence shows this is not a problem, or are you suggesting that somehow it is a problem and it is difficult to detect?

Bob Posner: I am saying that we should be cautious in saying that it is not a problem. It is something that is very difficult to pin down. If we turn the clock back, before postal voting was tightened up, when we had those terrible cases of postal vote fraud, the debate was that postal voting was not a problem. People said, “Ah, there’s laws. It won’t happen. There won’t be postal vote fraud”. I remember that being said, and then there was. It was at local election level and it affected some results, because not that many people vote and the differences are quite small. I would be cautious. That is not to say that the problem will happen, but we need to be very cautious about saying there is no problem at all. It is a vulnerability in the system.

I completely agree that the debate for you as parliamentarians and for Parliament as the proposal comes forward is about where the balance is on security and accessibility, and how that can be addressed. I completely agree with your comments about working very hard to give people confidence in elections—it is part of what the commission does in campaigns—so that they can feel that it is fine to vote at polling stations. I do not know whether Phil wants to come in on any of that.

Phil Thompson: The only thing I would add, to pick up the point about postal voting, is that, in the public opinion research after the cases of postal voting fraud in the mid-2000s, we saw a very sudden drop in confidence in postal voting. It is taking quite a long time to recover from that. The public perception is that the safety of postal voting is still much lower than it is for polling station voting. It has been creeping back up, but it has not reached the levels of polling station voting yet, so there is potentially a long-term effect from a problem that, if it became larger in the public consciousness, could have that impact as well.

Joanna Cherry: Looking at your overall mission statement as the Electoral Commission, would I be right in understanding that it is to improve representative democracy across the United Kingdom and turnout at elections? Maybe you could summarise for us, Mr Posner, what your mission statement is.

Bob Posner: The commission's role obviously is to advise parliamentarians; to be a regulator of political finance rules; and to oversee the running of elections across the country to get consistency and high standards by returning officers. We do major public awareness work to raise confidence, which you alluded to, on how to vote and on accessibility of voting. We do not work on increasing turnout. Parliament's view has always been that that is not for us; that is for political debate and for people who engage in that. We bring clarity to the system.

Joanna Cherry: It would be better to understand it as upholding confidence in the system. Is that right? Having regard to the lack of evidence that personation is a problem at present—I hear what you say; it could be in the future—do you think the introduction of a voter ID requirement should be a priority for the Government, or are there other aspects of voter fraud that should have greater priority?

Bob Posner: The Government have said that the Bill they bring forward will have provisions on further tightening up postal voting and stopping campaigners and other people handling postal votes. I think that is a good thing, so we support that.

As to priorities, in the first session you alluded to improving the registration system. We certainly support and want to see further work on the registration system. We think progress can be made there. We have done work on that and we can talk about that.

If you gave me a platform to say what should come first, probably anyone involved in the actual detailed running of an election, and candidates and campaigners, would say that we have a very archaic, complicated system of electoral laws in the UK, built up over years. It could really do with an overhaul for rationalisation and modernisation, as our counterparts have done—for example, Canada, Australia and other countries. That was the given wisdom a few years ago when the Government of the day commissioned the UK Law Commission to do a major piece of work on how to rationalise UK electoral law.

The Law Commission produced a report; its blueprint sits on the shelf. If you gave me a platform to say what needs to be done, I would always say, and have said to Ministers—many others would say it, including election judges—please pick that up and implement it, whether you are the Scottish Government, the Welsh Government or the UK Government. That work by the Law Commission is very important because modernising the framework of electoral law will enable some of the things that I know you and others are talking about, such as how you take forward in a sensible way certain needed reforms or modernisations that are very beneficial for accessibility and inclusivity, and will have massive cost efficiencies as well.

If I may, I would say, please take back to your political parties that they put that in their manifestos in the next election. It does not have even to be in the manifesto. That is a priority for me, but it does not mean that in the meanwhile you should not always look to improve the system.

Joanna Cherry: Mr Thompson, would you agree with that description of what the priority should be?

Phil Thompson: I would not add anything to what Bob has outlined.

Q10 **Chair:** Mr Posner, I do not think that people know that the proposition in this Bill is to make it more difficult for people to vote. We are talking about getting a separate card or bringing their bank statements or birth certificate to show the polling clerk. It is all about making it more difficult to vote. In what we are considering now in terms of legislative scrutiny of this Bill, I do not think referring to a Law Commission report in general helps people to understand where the Electoral Commission is coming from and what role you are playing in this.

Let me be devil's advocate for a moment in respect of the Electoral Commission. Is it not the case that legitimacy is undermined by fears of electoral fraud, but that those fears can be stoked and they can be baseless? There is also the question of legitimacy being undermined by obstacles to participation. Are you not pandering to unreal concerns about legitimacy and allowing inclusive participation to fall by the wayside? Effectively, are you not going along with a populist, baseless undermining of the voting system as a pretext for making the system more exclusive, and to make the boundaries on which parliamentary constituencies are drawn discriminatory and exclude certain people who have an equal right to vote, but will not be able to vote in our democracy? That is playing devil's advocate, Mr Posner. You are the Electoral Commission. Why is that not the case?

Bob Posner: Forgive me for introducing the Law Commission work, but you gave me a platform and I just referred to that, although I know it is not on the agenda.

Chair: I know, but if people do not understand what you are saying, it is not really a platform. Let us move on from the Law Commission.

Bob Posner: I have lodged it in your mind. The Electoral Commission's position is very clear. You are assuming that we are taking a position on one side of the argument. That is not correct. What we have said is that there is vulnerability in the system, and we have set out three very clear tests. Making a change in introducing voter ID has to improve security; it has to maintain complete accessibility to the system; and it has to be a workable, practical system. Those are the three tests. We have not for one moment suggested that those tests have been passed. We have said that. We await the detail of the legislation, and at that point we will advise and respond. I think that is what you would expect of us at this stage, and not that we take a position. That is exactly where we are.

Joanna Cherry: That is quite an important clarification. It might be suggested by the Government, Mr Posner, and indeed I took from the House of Commons Library briefing, that the Electoral Commission was recommending this change, but you are saying no, you are not. You have identified a vulnerability, but you want three tests satisfied if anything is to be done about it.

The second test—that it must maintain accessibility—appears to me to address the concerns that most parliamentarians have, and that Lord Woolley articulated in the previous session: that the introduction of this proposal might reduce accessibility by making it more difficult for some protected characteristics, such as people from a black, Asian and minority ethnic background, or transgender people, to vote. That concern—your second test—would need to be assuaged by the Government before you would want this to go ahead. Is that right?

Bob Posner: Yes. The House of Commons Library note was a bit brief and did not fully set out our position. It is true that historically we have said that there was a vulnerability in the system and, therefore, voter ID in some form was a way of addressing that, but that has moved through the pilots and what we have said since and where we are currently, which is the three tests.

I must stress that as an organisation we work very hard all the time, and very much at elections, with Lord Woolley's group and a whole host of groups. At the last election, we worked with 80-plus groups representing communities to get accessibility on election day and registration before that. We do a massive amount of work on that. We are hand in hand with the people from whom you have taken evidence and a whole host of organisations. That is one of our major priorities. Phil can give you more detail. I can assure you that absolute accessibility is one of our key planks.

The Chair: Thank you. The next question is from Baroness Massey.

Q11 **Baroness Massey of Darwen:** I want to follow up the last question with some issues on human rights. Under Article 3 of Protocol 1 of ECHR, any interference with the right to vote must be proportionate. That word has come up a few times already. In your view, what measures could be adopted to ensure that the voter ID requirement does not

disproportionately interfere with the right to vote while also achieving the legitimate aim of preventing voter fraud?

Bob Posner: As we have alluded to, the electoral system of democracy needs to do two things: to be secure and accessible. Those are absolutely the two pillars of the system. If you change one, you need to look at the other at the same time and make sure that it is sufficient. There is no compromise on that, and for us both of those tests have to be met.

If one looks at what the Government are saying on photo ID before we see the Bill, the key measure, if it is introduced, will be the voter ID card, which you alluded to in the first session. That will be ever so important in the Government's proposals. This was referred to in the first session; we have an example close by in Northern Ireland of a voter ID card in a photo ID system. Northern Ireland is a slightly different environment, but it is a very good comparator. It is free of charge there; it is easily obtainable and widely used. I will let Phil come in here, because I know we have done study work on how people find it there.

Phil Thompson: The card in Northern Ireland has been a very substantial element of the scheme there. Data is no longer collected on who shows what type of ID at elections, but it was until 2007. We know that until then around 10% of people voting showed their electoral ID card in Northern Ireland. To date, or at least up to 2020, around 350,000 cards had been issued since its introduction, so it has been a very substantial plank of the scene in Northern Ireland.

Bob Posner: That does not answer everything; it clearly means that it has to be accessible, available and introduced properly. Such a major change to the system needs a good lead-in time, so that people understand it. Indeed, Lord Woolley referred to it in the wider sense of citizenship education, which we very much support. Clearly, you have to get the message across to the public that there is a change to the system: there is a voter ID card and it is available and easy to get, assuming that is the system that is introduced. That is the mitigating measure in the Government's proposals. If it is introduced, we would work very hard on a major public awareness and information campaign to assist on that.

Chair: Specifically on that point, we have just heard from Lord Woolley about the relationship between BAME communities and the state, and the parallel between vaccine hesitancy and voter hesitancy and engagement with the registration and voting process. You referred to their evidence as their views. Are they not giving evidence about what the situation is? Is that not something you should be very worried about? Do you draw the same parallel—that there is a fissure in our democracy because it is unequal?

Bob Posner: If I used the word "views", I did not mean in any way to denigrate what they were saying.

Chair: By contrast, you said that you came without an agenda, implying

that they had an agenda. When I thought they were giving us evidence as practitioners and participants, you talked about their views and your evidence. I just want to know whether or not you think what they are saying are views, whereas you have evidence. I was a bit disturbed by that.

Bob Posner: I was just drawing a distinction. Forgive me if I misled you in any way. I was drawing a distinction in the sense of having an established position in a debate. I have been explaining in this session how the commission comes to it. We are looking at the evidence objectively and looking to assist parliamentarians on both sides of the argument as to what the issues are. I think that is our job; I think that is what you would expect.

Chair: Wait a minute. Your job is to defend our electoral system and advocate our electoral system, is it not? You are not neutral. You are the regulator and the custodian of the rules for us, are you not? Therefore, you cannot be neutral about whether or not it all goes to hell in a handcart.

Bob Posner: No. We take firm policy positions as they develop, and we are doing that. Equally, it is our responsibility to set out for parliamentarians all the issues for their consideration. After all, it is you, Parliament, who make the laws. We support all parliamentarians whichever side of the argument they are on, but we set out very clear, firm policy positions. I have set out where we are currently on that. I hope that is helpful in answering your concerns.

Phil Thompson: On the basis of the evidence, I thought that the distinction or comparison that was drawn in the first session between vaccine take-up and this proposal is very valid, and it is something we have seen from some of the research we have. There is a particular pattern where people say they have some of the ID and we see the groups who are less likely to have it, but that is not the same as the groups we see who say they may be less likely to vote, for example.

There is both the factual aspect—whether you have ID that would meet the requirement—and the behavioural aspect that I think the previous panel was raising, where people may have the ID and may be perfectly able to go and vote, but for other reasons are reluctant to, or are reluctant to engage, or the requirement puts them off in a different way. Those two aspects are important, and they will be really important to us—for example, in designing the public awareness work we have been doing. It would not just be about saying to people, “Have you got a driving licence?”, because that may not be what some people need to hear in order to encourage them to go to the polling station and vote. I think the comparison is a valid one, and the evidence is definitely there to support both aspects of it.

The Chair: Baroness Ludford, could you put the next question, please?

Q12 **Baroness Ludford:** I think the Chair and other colleagues have

expressed a concern that many of us on this committee share. In talking about the legitimacy of the system, Mr Posner is worried about the vulnerability of the system to voter fraud and about perceptions of confidence. Perhaps that has led to an interest in voter ID, even though there is low incidence of fraud.

The other side of the coin of legitimacy is people being discouraged from registering to vote and voting. In the previous panel, and indeed earlier, we highlighted various inequalities that continue to impact black communities in the UK, including low voter registration and turnout. We have also previously heard worries about a detrimental impact on the Gypsy, Roma and Traveller community. Could you give us advice on how the potentially adverse effects of requiring ID at elections could be mitigated?

Following up Phil Thompson's last remarks, which other groups do you fear would be disproportionately affected by a voter ID requirement? I am interested in looking at this in a comprehensive way where confidence and legitimacy in the system is not only reflected in this worrying vulnerability about voter fraud. I do not know whether you have ever heard the elephant parody joke, but I am afraid the situation reminds me of that. I will not take up too much time if you do not know the joke. It seems to me that the ID thing is chasing a problem that does not exist.

Bob Posner: The commission works very hard and is a major driver for registration and major public awareness campaigns. We focus our work very much on underregistered groups. As I said earlier, we work with representative organisations and communities. We work very hard at that and see that. I certainly agree with things that have been said. I can reassure you that that is one of our key areas of work.

The first obstacle in any system is that you have to register to vote. That is an obstacle in itself; you have to get on the register, and what is the system to do that? Then you have to be motivated enough to get yourself to a polling station or do a postal or proxy vote. Systems have checks and balances; they have security checks and accessibility checks and rules.

The proposal for voter ID is a significant change to the system, as you know. The question that you rightly raise is whether or not it is warranted at this point. The commission has looked at it over a number of years; it has evaluated the pilots; it has published reports; and it has identified what it thinks the clear considerations are. That is where we stand. I would be pleased to assist you further. I am not quite sure, unless Phil can add anything, where to go next on that.

Chair: Can I ask a follow-up question about registration? You said it is a major preoccupation of yours that people should be registered. What is your estimate now of how many people who are entitled to register to vote are not registered to vote, and are there any groups disproportionately represented within that number? What is currently the number of those not registered to vote, and is it disproportionate in certain communities?

Phil Thompson: We regularly carry out research on the registers. The figures from our last study, which we did on the December 2018 electoral register—we have no reason to think that they would not still be broadly applicable—show that 83% of people who—

Chair: Sorry. Could you just give me the number of those who are entitled to be registered but are not registered to vote?

Phil Thompson: The number we have comes from the fact that we think 83% are correctly registered at the address they currently live at. There is a degree of uncertainty about it because it is survey research and it is an estimate, but that means that somewhere in the region of between 8.3 million and 9.4 million people in December 2018 were not on the register at their current address. They may have been on a register somewhere; some may not have been. We are not saying that roughly all of those 9 million people were not on a register, but they were not correctly registered, so they probably would not have been able to vote, for example.

Chair: Basically, there are already millions of people who are entitled to vote who are not able to do so. That is the evidence you have. Is that disproportionate among certain communities based on age, economic status and ethnicity?

Phil Thompson: It certainly is. There are very clear patterns. There are greater levels of underregistration among younger age groups, among almost all black and minority ethnic groups and among lower social grades, for example, if you wanted to look at it like that. For example, the estimate in 2018 was that around 84% of white people were correctly registered. It dropped to 75% for black people and 76% for Asian people. There were much greater disparities by age. If you go down to the 18 to 24 year-olds, closer to 55% are correctly registered compared with well over 90% for people who are 70 and over.

Chair: Should you not be ringing alarm bells about that? Should you not be raising it as an issue with our system that dictates the boundaries of constituencies? It is what the framework is based on, as well as individual voter rights. Should you not be raising hell about this and saying that it is a fundamental flaw in our system? We do not afford millions of people the right to vote in our democracy. Should you not be pressing the Government and all parliamentarians on that as well? I had not really heard that; I had only heard about more obstacles to registration, and now more obstacles to voting.

Phil Thompson: Bob may want to say something on that as well. There are two things I would highlight. One is the work Bob has already talked about that we do on public awareness.

Chair: It is obviously not working if millions of people are not being included in the current system. What work you are doing is neither here nor there if it is not working and millions of people are not able to vote.

Phil Thompson: We know from the work ahead of elections that it generates millions of applications for people to register to vote.

Chair: You mean it would be worse otherwise. Surely, that is not a reason to be satisfied with the current situation.

Phil Thompson: Absolutely not. It is not a reason to do nothing and sit back, but the other thing I was going to mention is that for a number of years we have very consistently called for the Government to look at automatic registration, which I know you asked the previous panel about.

The commission is very supportive of the idea of automatic registration, or at least more automated registration. We published some work that we carried out in 2019 to say that we thought that introducing automatic registration was completely realistic and feasible based on the infrastructure currently in place in the UK. We think it would have a real benefit in picking up people who currently find themselves not registered, maybe for incidental reasons, because they have moved house and it is not their top priority. Automatic registration would help to deal with at least that part of the problem. It would also potentially remove some demand on the capacity of the electoral services teams who process quite a lot of applications, say, very close to a poll. They might not have to do that if there was an automated system picking up those applications through the year. It would be a real benefit, and the commission has been very proactive in saying that it should come in.

Chair: Mr Posner, the evidence we have just heard on this committee is that the system is discriminatory in respect of the rights of black people to vote compared with the rights of white people to vote. How do you feel about that on the Electoral Commission?

Bob Posner: The evidence does not apply just to them; it relates to a number of community groups and people of different diversity and protected characteristics.

As Phil says, we have been a voice for improving the registration system. At times, it has felt like a lonely voice and it is virtually just us saying that the registration system needs to be improved. We have invested a lot of time and work in that. As Phil alluded to, we have done feasibility studies to show that it can be done fairly straightforwardly. I know that the committee has looked at this in its past work, and we would be delighted if it was picked up by parliamentarians and a real effort was made to improve the registration system. We would be totally supportive of that. We have been supportive of it for a long time. On reflection, perhaps the criticism is that we have not been able to get our voice heard enough.

Chair: Perhaps if you said you would not agree with something to make voting more difficult, you might find a readier ear for your proposals to make registration easier. It is just a thought. Could we go to Lord Brabazon for the next question?

Lord Brabazon of Tara: Chair, I think my question on voter registration has just been answered.

Chair: Yes. Could we go to Lord Singh, please?

Q13 **Lord Singh of Wimbledon:** You noted that in the 2019 trials there was some evidence to suggest that the requirement to show ID had a disproportionate impact on Asian voters. Do you think there is adequate evidence to show how voter ID requirements may affect different groups? If not, what data would be needed adequately to evaluate the impact of introducing the voter ID requirement? Do you think the Government should have trialled voter ID in more diverse areas of the UK before proposing voter ID? Robert, perhaps you could start.

Bob Posner: I think you would be better assisted if I asked Phil to talk about his specialist area and then I just assist, if I can encourage that.

Phil Thompson: Perhaps I could start with the last question about the diversity of areas. From our point of view, as evaluators of the pilots, it would have been absolutely ideal if more diverse areas had been included in the pilots; it would have given us a stronger evidence base about who might be affected, and from purely a research point of view that would have been great.

I acknowledge that there were definite barriers to making that happen in the pilots. Local authorities had to volunteer to be involved in the pilots. Obviously, that was one barrier to getting areas involved, but, having said that, we said at the time of both rounds of pilots, in 2018 and 2019, that their limitation was that there was only a small number of them; they were not representative of Great Britain as a whole—for example they did not include large cities; and they were taking place at local elections, and we know that the turnout profile of voters at local elections is slightly different from a general election or a national referendum. There were definite limitations to the pilots.

On your question about what we know about disproportionate impacts, the pilots told us that there was definitely potential for a disproportionate impact. I think subsequent research, both public opinion research that we have done and the Cabinet Office has done and engagement with representative groups of particular types of people in the community, has helped to fill the gaps that the pilots left. I would say that now we have quite a clear picture of the potential disproportionate impact of a voter ID requirement. It is the stuff we have already talked about: the fact that people who are unemployed, people in particular age groups and people with disabilities are less likely to have the right ID. I think we have a good evidence base that tells us the nature and scale of the challenge. Is it perfect? No, and it was not complete from the pilots alone, but we certainly know what the issues are.

Lord Singh of Wimbledon: That is very helpful. In some of the trials, individuals who forgot to bring ID to polling stations did not return to vote. How can that be mitigated?

Bob Posner: The first thing to be said is that you want the polling station staff to be welcoming, and help and encourage people. At polling stations, they are generally very good. They want people to vote; that is why they are there. Perhaps there should be signs in polling stations explaining in different languages what voter ID is needed and encouraging people to go away and come back. It is not ideal, but that is what you want, if that happens at the polling station.

Much better still is that people come to the polling station with the right ID. As alluded to earlier, that requires a proper lead-in time to introduce a new system and proper information campaigns and education of people. Public awareness work is absolutely key. The messaging is about saying to people, "Remember to bring voter ID to the polling station". It has to be a simple message for people to understand, and one has to get it across. That is a job for the commission, the Government, local authorities and their communities, and organisations that represent communities and are in communities. That is a major piece of work. Those are the mitigation measures one can take.

Lord Singh of Wimbledon: That is helpful.

Chair: Thank you. For our final question, we go to Lord Dubs.

Q14 **Lord Dubs:** As you know, the Government are proposing to introduce a free electoral identity card that will be issued by local authorities, as is currently done in Northern Ireland. What needs to be done to ensure that those IDs are easy to obtain, so that voters who have no other photographic ID are still able to vote?

Can I follow that with another question? We have previously noted that some individuals associate the introduction of photographic identification at polls with a national identity card. The idea of a national identity card is not universally popular. How could the Government address those concerns and ensure that individuals take up the offer of an electoral identity card?

Bob Posner: I will start with the last bit before Phil gets involved. The identity card point is a very valid concern. It is about clear messaging. What is and is not a voter ID card? That needs to be clearly messaged to people if one is to have that system, with all the issues about ease of accessibility.

The concern about a national identity card or an electoral card is all about people's personal data, is it not? It is about what happens to that data. There is a clear role for the Information Commissioner. Our expectations would be that the minimum data that needs to be collected would be collected; it would not be used for any other purpose; and it would be held for the minimum time and destroyed once the application is done. All those are absolutely key practices that reassure people about the best use of their data. That is what the commission would be saying.

We would be keen, if at all possible—we think it is—not to have new databases created just for this. You could use existing databases. We will

be working hard on that in the context of a distinct elector card. There is good experience in Northern Ireland to reassure people about that.

Going back to the local authority system issuing the cards, there are several key considerations that you have alluded to: they should be freely available; the public should be aware; and it should be a flexible system. Once you have an ID card from one local authority you want to be able to use it anywhere; you might move to another area and you should not have to get another one. The fact that it is slightly out of date should not matter if your photo is still good. All those sorts of measures should make it as easy as possible.

Cost is a clear consideration. When one talks of a free-of-charge card it needs to be genuinely free to people. What is the best way to do that? They should not have to travel long distances, because there is a cost to that. They should be able to apply locally or online. Those are all the sorts of things, including online accessibility, that you can do to make it available to people. Phil, do you want to add anything on ID cards?

Phil Thompson: We know from the Northern Ireland experience that having different channels for people to be able to apply, whether it is in person or by post, or currently via Zoom, so that they can talk people through the process and take pictures of signed forms and things, is really important. As the first panel mentioned, not everyone will be able to come at the same time to the same place, in the same way. A key consideration is that it is genuinely accessible and, as Bob said, genuinely free of charge.

Chair: I conclude this evidence session by sincerely thanking you, Bob Posner and Phil Thompson, for coming to give evidence to us. I appreciate you have done that before the Bill has been published. Once it is published, it will be even clearer, but I am grateful to hear about your work and experience in what could hardly be a more important issue. Thank you very much indeed. That concludes this evidence session of the Joint Committee on Human Rights.