



Select Committee on the Electoral Registration and Administration Act 2013

Corrected oral evidence: Electoral Registration and Administration Act 2013

Wednesday 11 March 2020

4.10 pm

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Members present: Lord Shutt of Greetland (The Chair); Lord Campbell-Savours; Lord Dykes; Baroness Eaton; Lord Hayward; Baroness Mallalieu; Baroness Pidding; Baroness Suttie.

Evidence Session No. 16

Heard in Public

Questions 180 - 207

Witnesses

I: Peter Lee, Director, Constitution Group, Cabinet Office; Natalie Bodek, Acting Deputy Director, Elections Division, Cabinet Office.

Examination of witnesses

Peter Lee and Natalie Bodek.

Q180 **The Chair:** Welcome to this evidence session of the Select Committee on the Electoral Registration and Administration Act 2013. You have in front of you a list of interests that have been declared by members of the Committee. The meeting is being broadcast live via the parliamentary website. A transcript of the meeting will be taken and published on the Committee website. You will have the opportunity to make corrections to that transcript where necessary.

We have a series of questions that members will put to you. We think it may last an hour or so. There will be one or two supplementaries; I am sure of that. If I can make a start, how is the Cabinet Office doing in progressing the legislative proposals to improve electoral integrity outlined in the Queen's Speech?

Peter Lee: We had a set of proposals that we were taking forward before the election. We have had the election and the Government set out in their manifesto a series of measures that were similar, but with a few additions to the measures they wanted to pursue to improve electoral integrity. Of course, voter ID remains a centrepiece of those. We will also have measures, as the Committee will come to, for improving the security of postal voting. We are currently at the stage of developing in detail our policy propositions in each of those areas in order that we can develop the necessary legislation. This will require primary legislation to make the necessary changes in most cases. That will be introduced as and when parliamentary time allows.

The Chair: You have no specific plans or you do not believe you have a clue when parliamentary time may allow.

Peter Lee: As I am sure you are aware, the business managers tend to take a fairly dim view of officials who decide when parliamentary time should allow. At the moment, we have not introduced the Bill. The Queen's Speech effectively set out what our plans were, but without specific timings. Right now, we do not have a slot to introduce. It will be when the business managers decide it should be programmed in.

Clearly, we are expecting to introduce voter ID and the other measures set out in the manifesto within this Parliament, so that gives some idea of the timings. There is an implementation period, both for how long it would take to legislate and for how long it would take to work with local authorities to bring into force the measures set out in the Bill. As to specifically when the Bill will be introduced, I have no more intel.

The Chair: We could well, then, be looking at the earliest being the 2022 local government elections, rather than any earlier.

Peter Lee: The Electoral Commission normally recommends a minimum period of six months between the electoral law being changed and the election affected by those changes. Delivery of, for example, voter ID by

the 2022 election from now would be pretty tough, bearing in mind the time it will take this legislation to pass through Parliament. I expect we would seek to introduce it later in the Parliament, but we do not yet know when, because we do not know quite when the Bill is going to come in. We need to make sure that, from the point at which the legislation is passed, we are giving authorities time to be ready to implement it.

Q181 **Lord Hayward:** I was going to raise this point later, but you have touched on this particular question. We have had evidence from a number of people, particularly EROs, who say that if you are going to introduce voter ID, there has to be a dry run in advance of a general election. The big wave of local government elections comes in 2022, and you have just said that you will not meet that 2022 deadline. Are you in effect saying to EROs, "Tough", and that there will be problems at a general election because you are not going to meet that deadline?

Peter Lee: I will not try to pin down the timings any further, because it is genuinely about when a slot opens up. Ministers want to bring this into force in a timely manner, so as quickly as possible, while allowing local authorities the time to implement it successfully. When that will be is a measure of the point at which we have introduced the Bill. One would imagine that it will take us a reasonable time to pass the legislation through Parliament. This will be an important piece of government legislation that both Houses will want to scrutinise carefully, one would imagine, and have sufficient time to do so.

In terms of a dry run being required in 2022, we will be providing enough time, guidance and resources to local authorities to ensure that, whenever it is introduced, to whichever set of elections, it is delivered successfully. Local authorities would probably say that they do not regard local elections as something that should be used as a dry run for a general election. They would regard local elections as equally as important to them and to their members as a general election.

Whenever it comes into force, we need to make sure it does so successfully. We cannot bring it into force in such a way that we have an unsuccessful set of local elections first. We regard every election as having to be delivered successfully in order to maintain people's faith in a democratic process. Almost regardless of when it comes in and which set of elections it comes in for, we will do everything we can with local authorities, the Electoral Commission and others to make it a success.

Lord Hayward: I would ask you to read the evidence we have had from the EROs. We had requests again yesterday that there should be dry runs.

Q182 **Baroness Mallalieu:** We have heard evidence from Tower Hamlets. Indeed, we went down there and talked to them. We have heard about the consequences of the present system and people being left with very large bills, which at the moment no one is picking up and Tower Hamlets are in danger of bankruptcy.

You have been asked about the tinkering proposals—it sounds offensive

to say it; it is not—but they do not go to the heart of this matter. Our electoral law would appear to be out of date and needs a proper overall look at. Is anybody in the Cabinet Office looking at that now? If we get one Bill that deals with, in a sense, the peripheral matters but does not tackle the underlying problem, which is a law that was made a very long time ago for very different situations, there is not likely to be a second electoral Bill in this Parliament, is there?

Peter Lee: It really would be risking the wrath of the business managers if I was drawn down that line. This is something that the local authorities, the Electoral Commission and other stakeholders raise with us regularly. The Law Commission is looking at the state of electoral law. What you say is absolutely true: one outdated piece of electoral law is the way in which we check whether someone, when they turn up to a polling station, is the person they say they are. Asking for someone's name and address worked fine in the 19th century when, within a community, people would know everybody and, if someone tried to personate, that would likely be picked up. In a modern society, that is nowhere near effective enough, which is one of the main reasons Ministers want to introduce voter ID.

We will look to what the Law Commission concludes with interest. Within reason, we always look to take opportunities to reform electoral law when there is obviously and clearly a problem. Through this Bill, for example, we intend to look at the way postal voting is carried out and how some of the fraud vectors—that was a huge issue in Tower Hamlets, as you will have seen—can be closed down.

Resolving every issue with electoral law within one Bill would be difficult. It is very complicated. One disadvantage of having a very long-standing democracy is that our electoral law has built up over a very long time. Whether it could be dealt with in one Bill is doubtful. This is something we have been talking to our stakeholders about, and it is about prioritisation. What things can we change that will have the most impact on the electors' experience and the administrators' ability to administrate effectively?

Q183 The Chair: Many of the Government's plans do not seem to me to come for free. Have you worked out their cost and resource implications and, indeed, who is going to pay the bills?

Natalie Bodek: We have information about the 2018 and the 2019 pilots and how much they cost to administer. We are still in the process of developing the policy on what voter ID will look like in practice, in particular the locally available ID for those who do not have a source of photographic ID. We are looking at the support package that we need to put in place to support local authorities to roll this out effectively, for example training or resourcing. When parliamentary time has been found to bring the Bill forward and those policy proposals are finalised, we will be more forthcoming about the anticipated cost, but, yes, it will be funded by central government.

The Chair: When a Minister comes with a Bill, they will know what the

price is. Is that what you are saying?

Peter Lee: Yes. This will need to be funded as a new burden of local authorities, so Treasury too will be very keen to know how much it will cost. We will need to cost this policy, as we would for any government policy. Once we have real clarity, we will have a much clearer idea of how much it might be. Even then, as we implement, we may discover tweaks that need to be made to the way we implement. Communications is a good example. We put around the pilots a significant communications operation, jointly with local authorities, to make sure people understood they needed to bring ID when they wanted to vote. What communication approach we take may be modified as we get closer to the delivery of the pilots. That will have a cost attached to it.

The Chair: You are speaking as if the only thing that has a cost to it is voter ID. It seems to me that the whole business of the disabled voter may have a price to it as well. I take it you realise that other features of the Government's programme have a cost.

Natalie Bodek: Ultimately, we will be doing a full business case for all elements of the Bill. We will be undertaking more analysis on the cost of individual measures within the Bill.

Peter Lee: You are quite right, Chair. Another example is the postal voting changes. If you dramatically decrease the period for which a postal vote application is valid, more processing is required by local authorities. That has a cost attached to it, which will need to be met. You are absolutely right; we recognise there is a cost attached to this. That will need to be proportionate to the benefit it delivers.

Q184 **Baroness Pidding:** How far advanced are the plans to introduce photographic voter ID requirements? What forms of ID are being considered?

Peter Lee: Following the pilots, I think Ministers now have a reasonably clear idea of what forms of ID will be allowed under the scheme. The underlying philosophy is that photo ID is the most secure way of ensuring that, when someone turns up to a polling station, the polling clerk can check they are who they say they are. Other forms that do not have a photograph are less so. Equally, the ID that is allowed within the scheme needs to be proportionate with what we are trying to achieve.

The obvious two would be a driver's licence and a passport, the most commonly held forms of photo ID, but we expect other forms also to be accepted, for example concessionary travel pass schemes and the photocard element of disabled parking permits. This was tested out in the pilot. We would include other forms of official photo ID that have a degree of security to them within the scheme to ensure a proportionate approach.

When the Electoral Commission looked at this in 2015, it estimated that about 92.5% of eligible voters have some form of eligible photo ID at the moment, although the numbers will shift around a little because it

depends on exactly which form you use. To fill the gap, the locally available ID card would be provided free to those who do not have one of the forms of eligible photo ID. That is where we have got to on what forms of ID we would allow.

Q185 **Baroness Eaton:** What were the key lessons from the two pilots in 2018 and 2019 about introducing ID requirements? Were there any very unexpected findings?

Natalie Bodek: Actually, the findings were as expected and there were no big surprises in them. The finding was that the pilots were successful and the vast majority of people were able to vote without any problems. The main takeaway was that, as Peter has mentioned, we put a big effort into awareness raising and local communications campaigns. That was felt to be quite successful and to have gone quite well. That is something we will be majoring on again with delivery partners such as the Electoral Commission when it comes to rollout.

Q186 **Lord Campbell-Savours:** I cannot quite hear what you are saying, so you may have answered my question already when you were on about costs. What assessments have been made of the cost and resource implications of introducing photographic ID requirements? I think I heard you refer to that before.

Peter Lee: I apologise for not speaking clearly enough. I will try to avoid mumbling, as I am wont to do, I am afraid. As Natalie said, the exact costings will depend very significantly on exactly what scheme we pursue and what package we wrap around it to ensure its success, particularly for training and communications. When we get on to canvass reform, towards the end of the questions you have posed, we will bear in mind the lessons we had there about the importance of providing training to local authorities centrally, from the Government.

We need to work through the precise details of the policy and nail that down before we can assess the costs to introduce the scheme. When we come to introduce the Bill, we will have done a full business case on that and we will have a clearer assessment of what the costs will be. I suppose the crucial reassurance is that, under the new burdens policy, the cost of implementation will be met by central government, rather than by local authorities, because it will be a new burden on them.

Q187 **Lord Hayward:** You referred just now to the proportion of the population that did not have some form of photo ID. What assessment has been made of the impact on the socioeconomic groups that are less likely to have that ID available to them?

Natalie Bodek: As I mentioned before, the vast majority of voters were able to cast their votes with photo ID. With the photographic ID pilots, the proportion of people who needed to rely on the local ID was small—0.3%. We have engaged extensively with a range of groups to consider socioeconomic impacts and impacts on different demographics, in particular with the Equality and Human Rights Commission. We also, within Cabinet Office, chair an accessibility of elections working group

that involves a range of organisations, such as the Royal National Institute of Blind People and the Royal Mencap Society. We will continue that extensive engagement to try to understand whether there are any impacts on particular groups. So far, the evidence has been that there is no consistent impact on any particular group.

Lord Hayward: But you are awaiting more evidence from the likes of the EHRC, Mencap and homelessness groups, which will identify where the impact of this falls most.

Natalie Bodek: Yes. We have the evidence from the pilots, which so far has not indicated a particular impact on any group, but we will continue to engage as we develop the policy. As we develop final policy proposals, we will continue to do the absolute most we can, with regard to the public sector equality duty, to test those impacts and have the best evidence possible.

Lord Hayward: Is the proportion of the population that you identified as having some form of photo ID rising all the time, or has it been it roughly consistent over the last few years and is not likely to rise further?

Peter Lee: That is a very good question. I do not think we have the answer right now, but we would be happy to write to the Committee once we have it.

On the pilots themselves, of the total number of people voting, the proportion who were turned away from the polling station because they did not have the correct ID and did not return with it later was about 0.3%. We want to make sure everyone who is eligible to vote can do so, so we will take the lessons from that and build them into the policy.

The evidence from places like Northern Ireland, which has been doing this for a very long time, is that, once people are used to it, that proportion is likely to fall even further. A parallel we have often thought about is how people are now entirely used to turning up to collect a parcel from the post office with ID because it is required. You turn up without it only once and you will never do it again, because it is irritating and you will remember. The more people do it, the more likely it is that the proportion will drop even further.

There was a question earlier about whether there were any surprises. The base of 0.3% feels like a place to start, if we are getting only that proportion of people turned away in the first set of pilots.

Q188 **Baroness Mallalieu:** We had some very powerful evidence yesterday about the difficulty of getting youngsters, particularly BAME youngsters, to register and whether this particular proposal would put them off. In your report, you say there is an additional advantage. You mention homeless people, I think. It is a way of proving where they live. We were told that take-up would be more likely if people thought there was something in it for them. For those people, at the moment, just being able to vote is very often not enough. Is any thought being given to

whether the card produced for this purpose will have some additional benefits that would enable you to sell, particularly to those groups?

Natalie Bodek: We clocked that there was anecdotal evidence about potential benefit to other groups. We would like to explore it more. We need to make sure the locally available form of ID is proportionate. If the vast majority of the population have a form of photo ID, we want to make sure local authorities are under an obligation to provide the local ID only to those who really need it. Otherwise, the costs and administrative requirements will become more than is strictly proportionate for the policy. We need to balance out those things. We are working on that in the ongoing policy development of the local ID and engagement with stakeholders.

Q189 **Lord Dykes:** Can you, at this stage, give more specific information about what progress the Government are making on the plans for the locally issued photographic ID? Added to that, what estimates do you have of the demand there would be for this card? How would it be specifically funded?

Natalie Bodek: The evidence we have is from the pilots and it is the figure we quoted previously: only 0.3% of people who voted needed to use the local ID. We need to continue testing that with a range of local authorities. We have been talking to a lot of local authorities over the last few years, not only those that piloted but other authorities that have shown a lot of interest in this. We will continue working with those that are going to deliver the policy on the front line, to understand the impact on their teams and how to roll this out in the most workable way for them.

Lord Dykes: Approximately how many local authorities so far have you been discussing that with?

Natalie Bodek: In total, 15 piloted, but we have had wider conversations. I do not have the exact number to hand for you, but we can write to the Committee to provide that.

Q190 **Lord Hayward:** You cited two or three times the numbers of people who were turned away. Do you have any evidence about the number of people who did not bother to go to the polling station in the first place?

Natalie Bodek: That would be extraordinarily hard for us to measure. I would have to double check the evaluation that we did internally and the Electoral Commission's evaluation to see whether there was any assessment of that, because we surveyed the pilot areas after the fact. I am afraid I do not have a figure for you today.

Peter Lee: It is worth highlighting from your session with electoral registration officers who had taken part in the pilots that their assessment was that turnout had not fallen and may even have gone up slightly. As it happens, I took part in one of the pilots, as it was my local authority. The amount of publicity about the local elections was beyond anything you would normally have seen.

There are probably two things in that. First, it is encouraging that we did not see a drop-off in turnout. Secondly, as for any local election, comparing like with like is very difficult because of the circumstances. Are there other elections going on at the same time? Have you put a lot more effort into publicising than would normally be the case? The anecdotal evidence from those places did not suggest a drop-off in turnout.

Natalie Bodek: That is a good point. The piloting authorities said that not only did they see no drop-off in turnout; there was anecdotal feedback that it may even have been better because of all the public awareness and local communications they did.

Q191 **Lord Campbell-Savours:** Natalie, I think you said before that you did not have that information and you would find out if there was information on that.

Natalie Bodek: That was specifically about whether any electors had been—

The Chair: This is people who did not get to the polling station because they thought to themselves, “Oh, I don’t have all this information. I’ll not bother to go”.

Peter Lee: It is two things, to clarify. We published the evaluation of the voter ID pilots last year. We do not think, but we need to check, that they in any way surveyed those who had not voted to find out whether it had been a discouraging factor. The one piece of anecdotal evidence which the Committee itself gathered, which we have heard ourselves from the electoral services managers in the places that ran the pilots, was that those areas did not see a drop-off in turnout. Indeed, in some cases it may even have gone up slightly. We will check whether there was anything in the evaluation report about people who did not vote. In our recollection, there was not.

Lord Campbell-Savours: I thought I read in one of the documents that there was evidence that ethnic minority people were not voting because they did not want to have to go through producing this additional ID. Am I wrong? It was one of these documents we were sent.

Natalie Bodek: There was something in the Electoral Commission report in relation to one local authority, in one of the pilots. I think that was to do with Asian voters. I would have to get the specific statistic, but it may have been about not returning, having been turned away. I think the EC said that was a weak correlation and it did not provide clear evidence that there was a particular impact on that group.

Lord Campbell-Savours: Was it because the sample size was small? It did not mean it was not an issue.

Peter Lee: From my recollection, the statistical issue with it was a weak correlation, so we could not stand behind it and say there was a particular issue. With all this, it has just underlined the need to work with local authorities and stakeholder groups on the policy, and the

communications we put around the policy, to ensure that we are not disadvantaging particular groups.

On the methodological point, I would be very happy to provide more to the Committee if it would be helpful.

Natalie Bodek: We know that that weak correlation was not borne out in the other pilot sites.

Lord Campbell-Savours: Was it because they did not have large minority ethnic populations?

Natalie Bodek: I do not know that it was about the size of the particular electorate.

Peter Lee: Derby, for example, has a large Asian population. I am from Derby. That was a pilot area and I do not believe that correlation emerged in Derby. There were two points. In and of itself, it was not conclusive evidence and it did not bear out in other pilots. If there was a generic issue, you would have expected it to do so. We can provide more clarity on the EC's methodology if the Committee would find it helpful.

Lord Campbell-Savours: Yes, quite urgently, please.

Natalie Bodek: To clarify the point, this was about a weak correlation between people from an Asian background and the number initially arriving at the polling station with no ID or the wrong ID. That correlation was not found in other pilot sites.

Q192 **Baroness Eaton:** We have to be rather careful about grouping a whole section of people together with one title, because there will be variations within that group. Calling them all Asians does not necessarily identify where the problem might exist, if at all.

Peter Lee: That certainly was not my intention.

Baroness Eaton: No, I am not suggesting it was.

Peter Lee: It underlines that the people who have the best understanding of communities and their requirements will be the local authorities. They will understand how best to communicate with their communities, and that is where we can play our respective roles, as central government and local government, in making this really effective across the entirety of society. That is our ambition.

Q193 **The Chair:** We move on from voter identity to postal and proxy voting. How confident are you that the Government's proposed changes to postal and proxy voting will adequately address the concerns about fraud in these two areas?

Natalie Bodek: The Government have proposed a number of measures on postal voting and proxy voting. Starting with proxy voting, it is to tighten the rules so that you can act as a proxy for only two other people, regardless of your family relationship or relationship to the person you

are acting as proxy for. At the moment, the law needs to be improved, because it is about proxies per electoral area. We are confident that this will make the use of proxies tighter. When you turn up to vote as a proxy for someone else, you will need to fill in a declaration form. There are already processes for that. We are just making the law tighter on who can act as a proxy and for whom.

On postal voting, we are doing a number of things. We are extending the secrecy of the ballot to both postal voting and proxy voting. We will introduce a criminal offence for breaking that secrecy of the ballot. We will prohibit the handling of postal votes by candidates and campaigners. We will create a rule such that you are able to hand in only two postal votes in addition to your own postal vote. That is specifically targeted at preventing postal vote harvesting.

We are also changing the rules on when you have to reapply for your postal vote. At the moment, you have to refresh your personal identifier for the postal vote every five years, but that does not constitute reapplying for your postal vote. We are changing the law so that you have to reapply for your postal vote every three years. That means that application will receive more scrutiny by the electoral registration officer, who will have a firmer legal basis for applying that level of scrutiny.

Q194 **Lord Campbell-Savours:** We are being broadcast, so I want to take you through the process. You set out criminal sanctions, campaigners not being able to push large numbers, harvesting and the renewal arrangements. Remember, 25% of the electorate can now vote using the postal vote system, and some of us are unnerved by this number. The postal votes arrive and you can fill in only one in the household other than your own. Is it one or two?

Natalie Bodek: You can fill in only your own postal vote, but you can hand in up to two other postal votes.

Lord Campbell-Savours: What is to stop you filling in the other postal vote on behalf of a partner and voting for them without their knowledge?

Peter Lee: In the way the system works at the moment, you provide your signature when you apply for your postal vote.

Lord Campbell-Savours: I understand that.

Peter Lee: When your vote turns up, it is accompanied by the signature as well, so it is effectively a two-stage process. I have watched this happen in a local authority. They sit there and check the signatures against each other. If one is incorrect, they reject the postal vote.

Lord Campbell-Savours: I understand about the signatures. I am asking what happens in the home when they are filling in the forms. Apart from the criminal sanction, what stops one person filling in a vote for another?

Natalie Bodek: It is possible that someone would attempt to commit that kind of fraud in the home. As Peter is saying, that vote would not count. That vote would fail the verification of postal votes.

Lord Campbell-Savours: How does it fail? It is filled in and submitted to the local authority.

Baroness Eaton: You sign it and somebody else puts a cross in it.

Peter Lee: It is a very good point. There is a two-part process, as we have discussed. There is a bit that you have to sign and then there is the actual ballot paper. If my wife signed her name on one part of it, there is no doubt I could put a cross on the other part of it.

Lord Campbell-Savours: Could you fill in her form?

Peter Lee: In the end, although that would be against the law, there is not a lot we can do about it. Also, my wife knows that I am doing it, because she has signed it. I could not fill out someone's postal vote without their knowledge, without getting their signature.

Lord Campbell-Savours: Let us be very clear. You are saying that a partner could fill in the postal vote for a person, not necessarily with their knowledge, because they had signed it in advance, in the household. Some 25% of the electorate are in a position whereby they are handling votes where this could happen.

Peter Lee: For me, this feels like a reasonably secure system.

Lord Campbell-Savours: I am either wrong or right. Am I right or am I wrong?

Peter Lee: No, it is not quite right. Ultimately, when you get the postal vote pack through, we expect that in the vast majority of cases people will fill out both bits at once. They sign the declaration that they are who they say they are, and then they tick the box, put it all back in the envelope and stick it in the post.

Lord Campbell-Savours: No, not necessarily. They may say to their partner, "Can you just sign here? Don't worry, darling. I'll fill in the form. I'll do it for you".

Peter Lee: If I can forge my partner's signature, yes. In case she is watching, I cannot forge my partner's signature, but if I could, yes, it would be possible for me to do that. That would be breaking the law.

Lord Campbell-Savours: You accept it could happen.

Peter Lee: It could, but it is very difficult.

Lord Campbell-Savours: You also accept that 25% of the electorate are now using postal votes.

Peter Lee: Yes, I accept that point. There is always a balance to strike here. Postal voting is used by a lot of people who, for whatever reason, cannot access their local polling station, perhaps because they are away.

Lord Campbell-Savours: We are aware of that. We understand the need for it.

Peter Lee: There is always a balance between ensuring that we have a secure system and ensuring that we have an accessible system. That is the eternal balance of elections policy. We think that this system, as amended, will provide a good balance between those two things. You do not want to make the system so hard that people cannot postal vote, because it is an important service that we offer to people. Equally, it has to be reasonably secure. I saw it in action at a local authority; the system they used was effectively a computer comparing the two signatures and checking they are the same.

Lord Campbell-Savours: I have no problem with the signatures. That is not my case.

The Chair: Lord Campbell-Savours is making it very clear that there are two acts. One is signing and the other is placing a cross. These are two distinct acts. One person can do one and another person can do the other. Whoever parcels them up together and puts them back in the post, two people can be involved in that exercise. That is the point he is making.

Peter Lee: That could undeniably happen. It would be against the law for someone to fill out someone else's ballot paper, but obviously if it is happening within the home, the ability to detect it is limited. My point is about the balance. To do that for someone, completely without their knowledge, is quite hard, so long as those who are completing a postal vote ensure that they do not sign one bit and leave the other bit blank.

Q195 **Baroness Eaton:** This is a question I should have asked about the voter ID. It ties in slightly with this. One issue, although not generally discussed, appears to be that sometimes where there is no photo ID, there are people who do not go to polling stations but have a poll card. It is not unknown for poll cards to be collected by others. Then a person who is not the legitimate owner of that poll card will go to the polling station and vote for somebody else. The ID will obviously prevent that.

Peter Lee: Yes. You very succinctly identified one of the issues we have with the idea, which I think was put forward by Watford Borough Council, of using a poll card-only system. If your house has a single post box, that is much less likely, but in houses of multiple occupation, where post comes to one place and may land on a single doormat, it is possible to harvest a bunch of poll cards. If someone turns up at a polling station with no ID check, it is impossible for a poll clerk to know that they are not who they say they are. That is one reason why Ministers are very clear that a poll card-only system does not provide the necessary security.

Q196 **Lord Campbell-Savours:** Are you concerned, recognising that 25% of the electorate can vote by post, that there may well be problems with who is actually filling in the cross on the ballot paper in many households? Are you not concerned about that? It is one-quarter of the electorate. I have stood seven general elections, and I can tell you that if this had been going on when I was a Member of Parliament, I would have been very worried indeed.

Natalie Bodek: This has not been reported to us as a specific concern by either administrators or political parties to date. As Peter has mentioned, because of the requirement to provide a signature, it would seem more difficult for that to happen without someone's knowledge. As I have said, we are extending the secrecy of the ballot to postal voting. There is an existing offence of undue influence of a voter that we also want to clarify in law. Ultimately, we cannot control what happens in the home. It seems fairly unlikely to me that someone would sign their ballot but not mark a cross, and then another family member, fraudulently, without their knowledge, marked the vote and handed it in. We have seen no evidence of that reported to us.

Lord Campbell-Savours: You talk about it being a criminal offence. You are relying on these sanctions. How many prosecutions have there been for exactly what I am talking about: people filling in a ballot paper on behalf of somebody else? I bet there have been none.

Peter Lee: There were prosecutions in Tower Hamlets for postal vote fraud.

Lord Campbell-Savours: That is a completely different issue.

Peter Lee: I was going to make the same point. It was not precisely that.

Lord Campbell-Savours: There have been none.

Peter Lee: As far as I am aware, but we will check and provide that to the Committee. I am not aware of that offence.

Lord Campbell-Savours: In other words, 25% of the electorate can do this and there is no evidence of any prosecution whatsoever.

Natalie Bodek: I have some information for you about convictions and prosecutions to do with electoral fraud, but I am afraid it is not specific to postal vote.

Lord Campbell-Savours: What I am talking about is clearly an issue.

Natalie Bodek: It is perhaps an underreported crime or one that is harder to convict for. We are not aware of large numbers of convictions specifically for postal vote fraud. There was the high-profile case in Tower Hamlets, but, as you have mentioned, the issues with that were slightly different. In 2017, there was a conviction for electoral fraud, and eight

suspects accepted police cautions. In 2018, 266 cases of electoral fraud were investigated by the police.

Peter Lee: Are we concerned? I am concerned about any case of electoral fraud. Maybe in some quarters this is dismissed too lightly. People voting illegitimately and taking away someone's vote is a very bad thing. That is why we are looking at an electoral integrity Bill that closes down some of these risks.

I suppose the question, in those very particular circumstances, is about the alternative. As Natalie said, we have no evidence from any of those involved in the electoral system that there is a particular issue, but you are right to point out that it is very hard to detect. If people are allowed to fill out postal vote applications within their own home, unsupervised by a polling clerk or any other official, and we do not require the witnessing, as we do with passports, of postal votes, which would seem disproportionate, it is very hard to see what we would do to tackle the particular problem. If it became obvious that this issue existed, of course we would need to look at it seriously.

Q197 **The Chair:** Yesterday, we had a very good session with the national Chief Electoral Officer from Canada. Did you by any chance see our exchange with him?

Peter Lee: I am afraid I did not at the time and I was not able to access the transcripts on the website.

The Chair: I commend it. It may well be something you can see, or you could see *Hansard*. There are two elements I want to raise with you. First, he was responsible for a national electoral register that was locally-based, which meant that an elector could check before an election whether they were on it. We have had so much evidence about the time and effort it has taken people to say that they want to be on the register, and 90% of them are on the register. There is no way they can check themselves and it causes all sorts of extra effort for returning officers and electoral officers. We commend this idea of a national register, or at least a register, even if it is totally local, that people can get into and check whether they are on it without a lot of bother.

The second thing we learned from Canada was that postal voting was not a big thing. Why was it not a big thing? There was polling day, but there were four more polling days within the fortnight before the final polling day and all sorts of people voted on these early days. Bearing in mind that opportunity, the requirement for a postal vote is less. Even more than that, if you were in Halifax, Nova Scotia, but were summoned to Vancouver, you could go to an electoral office a fortnight before an election and say, "I'm here on business. I won't be able to get back to Halifax. Can I vote?" They provide you a ballot paper and you can vote there. These are all opportunities where, quite frankly, you do not need a postal vote. There are some postal votes, but many people do not need them.

Have you looked at the possibilities of reducing this demand? It seems

that postal votes are a bit like confetti at the moment. There is a sense in which this issue of fraud is of concern, and this is why you have so much coming before you. Have you looked at alternatives to there being this huge postal vote?

Peter Lee: I am aware that you are the one asking the questions, but in Canada did the vote of the person who was away on business count in their home location?

The Chair: Yes.

Peter Lee: To address the particular points about the Canadian approach, when we gave evidence last year I set out where we were on a look-up tool. The Government's position at the moment is that we do not yet have in our existing system the right technical solution to deliver, in a cost-effective way, a look-up tool whereby you can go online and say, "Am I registered to vote?"

Local authorities regularly raise the issue of duplicate applications, particularly in the run-up to big events such as the general election last year, when 3.1 million people registered to vote. We are aware that a significant portion of those will be duplicates, but we have yet to discover a tool that delivers what people want, that would change their behaviour and stop them from then registering to vote, and that costs less than the administration of managing duplicates. It is not something we have a closed mind to. As technology is changing all the time, a technological solution may come along.

One of the crucial things you need for a look-up tool is a national register. We do not have one. Ministers do not have a plan to introduce one and are very clear that from a policy point of view they would rather stick with the existing system. Our "register to vote" website is a gateway to all the local registers held by local authorities. In Wales, for example, they are looking to switch to a national register. We will look to their experience with interest, but we do not have any plans to implement that. That makes an effective look-up tool harder to implement.

The ability to vote elsewhere at short notice by going to a polling station, and having a number of days on which to vote, to a certain extent is a reflection of our history. I believe it was before the First World War that general elections took place over a couple of weeks, rather than on a single day. The political culture that has evolved in this country is that elections take place on a single day and the results are available after a very short time. Postal voting now means that voting takes place in the run-up to polling day in a way that it did not previously, but having a number of polling days is not the way we are set up currently.

One issue I would have to consider, off the top of my head, would be cost. Polling day is the most expensive part of running an election. Polling day for a general election costs £140 million or so, and can be more in particular circumstances. Central government pays this cost. Running an election over four days where you have to set up polling stations that are

staffed, with all the costs that implies, would significantly increase that. Having it on a single day is cheaper.

The potential starting premise of the question is that postal voting per se, or the extent of it, is not a good thing. I do not think that is where the Government are at. The Government think that postal voting offers people a choice and allows them to reflect their personal circumstances. It needs to be secure, which is why we are looking to make changes through the electoral integrity Bill to make it more secure. As a premise in itself, as long as it is proportionately secure to the risk, the Government think it is a good thing.

Q198 **Lord Hayward:** I have two points to pick up on. The Irish do checks, and were doing it for the general election just before Christmas. Therefore, it is clearly not a system that is impossible to operate. Lord Campbell-Savours pursued the question, quite reasonably, of a national register, but you do not have to operate it nationally. The vast majority of people would look at the local electoral roll in their own local authority. All you would need is a secure non-changeable capacity to look at the electoral roll for Peterlee in Derby, or wherever it may be.

In those circumstances, you are getting much closer to the relative cost imposed on local authorities—from the figures given to us over the past few weeks, between 50% and two-thirds of all applications were erroneous—at a time that those people are facing incredible burdens. It does not have to be local and it is a system that is used in a number of other countries.

Natalie Bodek: We have heard the message that this was the big story at the general election. The single biggest issue which administrators are flagging to us at the moment is the pressures on them in the run-up to a major national poll as a result of registration volumes and a high proportion of them potentially being about minor changes or duplicates.

We are engaging with these issues, talking to administrators, the Association of Electoral Administrators and the Electoral Commission, and trying to understand those issues and what we can do. As Peter said, when we looked at the issues back in 2017, the costs of developing a digital solution seemed to be prohibitive and gave rise to other issues. It may be possible if other technological solutions become available in the future. We are alive to this as a major issue and are looking at it.

Lord Hayward: Can I intervene and challenge one phrase you used there? That is “in the future”. It is already available.

Peter Lee: I suspect that Ireland has a single national register as well. We will check that¹. A single national register makes it easier. You need a

¹ The Cabinet Office has subsequently clarified that Peter Lee was referring to Northern Ireland where there is only one electoral registration officer.

real-time register that is up to date. It is no good it being a couple of weeks out of date. During the run-up to an election campaign, it is crucial that people can check against up-to-date information. That is what, when we have looked at it with the existing technology, is disproportionate to the risk.

What Natalie is saying is really important. We are not saying that we should not do anything about this. We fully recognise that this is an issue for local authorities. We want to understand what drives event-led registration to the volumes that it does and what we can do to change that behaviour. Another way of tackling this is to ensure that people are not just registering on the off chance. We are almost victims of our success. It is so easy to register through our electoral registration portal. It takes a few minutes. It is one of the great benefits. It is why we have over a 90% satisfaction rating for it; because it is a fantastic service to use. It is really easy. If you cannot remember or you think you probably did but you are not sure, you might just put through a duplicate registration.

We need to think about whether we can do more to encourage people not to register if they already are and to change their behaviour. Also, are there things we can do to reduce the administrative burden on local authorities when receiving those duplicate applications? That is the kind of work we want to take forward post the election, before the next general election, which is likely to be the next big event-driven registration.

Q199 The Chair: Bearing in mind the evidence we had yesterday, it must be possible to see our Commonwealth friends in Canada and ask them how the system works, whereby somebody in Canada can check whether they are on the register. Surely that can be done, can it not?

Natalie Bodek: Our Minister spoke to the Canadian Chief Electoral Officer before the voter ID pilots, so that engagement has happened and the channel is open. There are different circumstances with different electoral systems. In Northern Ireland, for example, there is only one electoral registration officer, so it is a more straightforward process for them to have one register.

Peter Lee: There are two things I can absolutely commit to do. I will watch the evidence that the Canadian Chief Electoral Officer gave and, further to that, I will talk to the Canadian Government about what they do to understand it properly.

The Chair: Natalie said that the channel is open; swim it.

Lord Campbell-Savours: There was an additional document that we are being sent. Could that be arranged?

The Chair: Yes.

Peter Lee: If the Canadian Government are watching, I would be very happy to make a fact-finding tour to Canada. I am more than happy to do that.

Lord Campbell-Savours: Could you then perhaps respond to us and give your comments on what you read or hear?

Peter Lee: Yes.

Lord Campbell-Savours: Thank you. In your opening comments, you went on about the cost of the advance voting arrangements. If there is a major question, as I believe there is, over the integrity of a voting system where 25% of the people can vote by post, does cost not then recede as an argument because the very integrity of the system is under question?

Peter Lee: It will not surprise you to know that I do not accept the premise of the question. It starts from the premise that postal voting in itself is insecure. As I think I have explained, the current system, as improved by the changes we are bringing forward, is the right balance of security and accessibility. It has a cost implication, but the Government and local government are prepared to meet the cost of running the postal vote system because it provides choice and accessibility to people who otherwise cannot turn up to a polling station and cannot proxy vote. If people do not have a proxy and cannot turn up to the polling station, we should not be disenfranchising them by not allowing them a postal vote.

Lord Campbell-Savours: I am not saying we should not allow postal votes. I am saying there are too many allocated and it is too open to abuse. That is why some of us are looking at this Canadian option; because we think it is less open to abuse.

The Chair: We will move on.

Q200 **Lord Hayward:** Can I clarify what safeguards will be put in place to ensure that the limit of handling a maximum of two postal votes per person, other than your own, is adhered to?

Natalie Bodek: I said previously that campaigners and candidates will not be able to hand in postal votes. We will introduce a criminal offence in relation to contravention of that. A person seeking to hand in their own postal vote with postal votes on behalf of other people will be required to complete a form that includes their name and address and the name of the postal voters whose ballot papers they are handing in, as well as indicating that they are handing in their own ballot papers. They will be required to sign and date it, and file a declaration that they are permitted to hand in those postal votes. The completed forms and returned votes will be kept by the relevant electoral officers for a year after the poll and may be inspected in the event of a police investigation into any alleged electoral fraud or petition challenging the outcome.

Q201 **Baroness Mallalieu:** Can I ask you about assisting disabled people, particularly people with sight loss, at the polling station. What kind of equipment and support is being considered?

Natalie Bodek: We have been considering this for quite some time. I mentioned that we have an accessibility of elections working group, where we engage with a range of charities and civil society organisations. The current law requires the returning officer to provide something called the tactile voting device in the polling station to assist blind or partially sighted voters. We are looking at broadening the requirements so that the returning officer has to provide such equipment as is reasonable to support various disabilities at the polling station. We would not look to statutorily prescribe every single element they have to provide, because we need something that is more future proofed and flexible, so that would be dealt with through guidance, working with the Electoral Commission.

To give you a flavour of the assistance that is already provided and that we are looking at, it includes pencil grips and writing support for people with arthritis, additional seating for disabled people or people in need of it, and pictorial guidance outlining additional support for disabled people. Working with RNIB, we are actively testing audio devices, to be used in conjunction with the tactile voting device, to enable a blind or partially sighted person to fill out their ballot without assistance, because they can hear the names of the candidates from an audio device.

Baroness Mallalieu: The tactile voting device, as I understand it, has been criticised as inadequate. You have just mentioned a possible alternative. Are any others being looked at with a view to replacing the tactile voting device?

Natalie Bodek: The tactile voting device works in the sense that it enables somebody to mark the ballot paper. It does not enable them to do it without assistance, because they need someone there to read out the names of the candidates. Before the general election, we worked with the Electoral Commission to issue communications encouraging returning officers to allow people to use their mobile phones in the polling station and use apps that could support them. There are apps that can read the page and read out the candidate names. We had positive feedback from RNIB about that intervention at the general election.

It is one option we are looking at. As I mentioned, we are actively testing audio devices that are tactile. That testing has gone well. We have had positive feedback from that. While it was ruled that the tactile voting device did not allow people to vote without assistance, it was left in place in the law.

Q202 **Baroness Suttie:** Can you say a little more about the companion rule for a disabled voter? Who would be allowed to act in such a role, and how would this be verified?

Natalie Bodek: At the moment, a companion needs to be over the age of 18, but they also need to be eligible to vote. We are looking at making a change that recognises that a broader range of people may be appropriate to support someone as a companion in a polling station. For example, it could be a carer but someone who is not themselves eligible

to vote. We are looking to make a change such that the person has to be over 18.

Baroness Suttie: So if somebody was from a country that did not allow them to vote in elections but were none the less a carer, they would be allowed to accompany the disabled person.

Natalie Bodek: Exactly, yes.

Q203 **Lord Dykes:** Can I come to the famous and controversial subject of the 15-year limit on voting rights for overseas electors? The Committee has already heard suggestions that this could prove quite difficult to manage in administrative terms, particularly when managing very large numbers of overseas postal votes during an election period. We have discussed domestic postal votes so far. What consideration has been given to the administrative challenges this policy will present to electoral registration officers?

Peter Lee: You have very succinctly summarised the issues we are addressing. The Government are very clear that they want to remove the 15-year limit and allow former British residents who are resident abroad, however long they have been abroad, to vote. This is on the basis that those citizens tend to retain ties to the United Kingdom. A lot have family here. They may well be drawing a pension from their career in the UK.

Ministers are very keen to remove the arbitrary 15-year limit. There is no doubt that this creates an administrative challenge for local authorities, as they have rightly identified. There are administrative challenges already with the existing 15-year system. Particularly for a short-notice general election such as we had in 2019, to register overseas voters, get the postal vote to them and get it back within the period of a general election is difficult. If you are in a relatively adjacent EU country, it is less so, but members may be familiar with the time it takes to get post to and from Australia.

Lord Dykes: Do you have an approximate number of the failures of those?

Peter Lee: We will see what numbers we have. We do not necessarily collect that data, but we know that votes have come in after polling day. It is something we need to address, while ensuring that the system we have is secure and robust. We do not have an answer yet as to exactly how we do that. We are very clear that, to successfully implement the votes for life policy, as it is known, we need to work with local authorities and the Electoral Commission on a system that enables people who wish to vote from overseas to vote successfully, and local authorities to administer that.

For those who have been overseas for much longer, we need to address where they are going to vote. What is their constituency? If someone has moved overseas recently and been overseas for a couple of years, it is fairly obvious what their constituency is because it is where they were living previously. If someone moved overseas 30 years ago, we need to

make sure that we can identify their local connection to a particular constituency so that they vote in the right place.

I do not have answers to either of those questions right now. As we discussed at the beginning, we are developing policy across the range of things the Government have made clear they want to do. This is an area where we still think there are two problems we need to wrestle with. We do not think they are insoluble, but we need to work with local authorities on how to solve them effectively.

Q204 **The Chair:** If there are people who left these shores 35 years ago, does anyone have any electoral registers to check where they were the last time they were here?

Natalie Bodek: It is unlikely that local electoral registration officers will have held on to those registers. They hold on to registers for 15 years because of the 15-year rule. I believe that registers are collected by the British Library, but there are practical implications to sending EROs to check records at the British Library. We need to look at these issues and work out how we come up with a workable solution.

Peter Lee: There may be other ways of people demonstrating where they were resident before they moved overseas. We are talking about policy that we are still developing. We are looking at other ways in which someone could demonstrate where they were resident before they moved overseas, other documentation they might hold that they could provide to the electoral registration officer to demonstrate that. Of course, we need to make sure that system works in a way that can be administered effectively and in a timely way during a general election campaign. There is a challenge there to wrestle with, to enable people to demonstrate where they should be voting, and to ensure they can get their ballot and get it back in time to be counted.

The Chair: Bearing in mind that the whole business of having MPs is about representation, and these people are in a distant part and have been there a very long time, if they are to have representation, is there not a case for them being represented by a constituency called overseas, or several constituencies called overseas?

Natalie Bodek: Ministers need to decide exactly how they want to bring this policy forward and implement it. I think it would be premature for us to comment on exactly how the policy is going to look and how we intend to implement it at the moment. We need to look at a range of options and understand where Ministers' appetite is.

The Chair: There are a lot of people.

Peter Lee: Yes, indeed. What Natalie is getting at, in slightly blunter terms, is that we do not have cover from Ministers to get into a discussion about whether we should create new constituencies called overseas, in the way that there were university constituencies several decades ago. There are ideas in this space for how you might do it. Other countries do it. I believe France has overseas constituencies, but

Ministers have not said they want to do that. We will consider all ideas and see what works most effectively.

Natalie Bodek: There is a practical point here, in that it would be quite a major constitutional change. There would be an interaction with UK parliamentary constituency boundaries as well.

The Chair: There certainly would.

Q205 **Baroness Pidding:** Can I ask you about the annual canvass reform? What progress is being made and how does that reform build on the provisions of the 2013 Act?

Peter Lee: The reform of the annual canvass is well into its implementation phase. This year's canvass, so the canvass beginning in July 2020, will run under the new process. We have put in place the necessary legislation to do so. We are on track to put in place the necessary digital solution to deliver it. We are in the process of building a data-matching system, the main part of which allows local authorities to check which of their registered electors have not changed their details, so are living in the same place. Therefore, we can take a light-touch approach, much lighter than at the moment, to running the annual canvass and allow much closer targeting of voters whose details might have changed.

We are running training for local authorities. We have run 11 regional workshops, which I think the vast majority of local authorities have now attended and we got really positive feedback on. The Electoral Commission will publish guidance and new forms shortly. The headline is that we are well on track to deliver as anticipated in July, for this canvass, to deliver, I hope, significant administrative and financial savings to local authorities and to central government, and to run a canvass that is proportionate to what it is trying to achieve.

Q206 **Lord Hayward:** Can I refer back to the question of 2022 and the local authorities' request for a dry run, which is not a general election? When answering the question, you did not acknowledge that the EROs had asked for this, but several times during your evidence you have referred to the evidence the EROs have given previously. Given that you must be aware of it, can I ask for a written submission, assuming the legislation comes in after 2022, on how the local authorities are expected to cope when they will not have had a dry run?

Peter Lee: It is a very fair point to make. I freely admit that I have not had the opportunity to look at all aspects of the evidence EROs have provided to the Committee. I have seen some of it, but not all, which might explain why I referred to some aspects of their evidence but not others.

Lord Hayward: In those ones to which you have referred, there was reference to 2022.

Peter Lee: Yes, I did not watch the whole of the ones I did watch. The idea of a 2022 dry run has not been raised with us via the Electoral Commission or by the representative groups of returning officers in the discussions. These are regular discussions we have with them on all aspects of voter ID. The point remains that I can see the argument for conducting voter ID pilots in a set of local elections. I have previously been told by a returning officer to be aware that returning officers do not regard local elections with any less seriousness than general elections. We have to bear that in mind.

My end point is the one I want to emphasise most: whenever we do this for the first time, we have to do it really well and it has to be successful. Of course, if we deliver it in time for a set of local elections and there are things we can do better for the next set of elections, whatever they may be, we will make sure we learn those lessons and modify our approach. We cannot afford to introduce it unsuccessfully, because elections have to be successful every time we run them.

Q207 **The Chair:** I happened to spot this morning that a Bill was introduced in the Isle of Man Parliament, the Tynwald, yesterday on the registration of elections. They seem to want to bring in a system similar to what we have in individual registration. They are rather suggesting that, if people do not register, there will be a fine of up to £1,000. This seems an interesting figure, compared to the £50 here, which is not collected because it is not thought worth while pursuing. Is this £1,000 something they have picked up from here and that is lurking around the Cabinet Office?

Peter Lee: Although I am very happy to also talk to the Isle of Man Government, and indeed visit the Isle of Man if they wish to invite me, I have never had a conversation with the Isle of Man Government about their plans and would not see it as my place to comment upon them.

Natalie Bodek: I am not sure where that £1,000 figure has come from. It has certainly not come from us.

The Chair: It might be their own idea, of course. I just wondered if it was something that was lurking around the Cabinet Office. That is all.

Peter Lee: Ministers have never expressed any wish to increase the level of fines for not registering to vote.

Natalie Bodek: No. I believe there are two fines. There is a fine for not completing the household inquiry form under the current system, and a fine for ignoring the individual application to register form. The fine for the household inquiry form is higher because of the potential risk of disenfranchising others in the house if the ERO does not know about them. Those figures are £80 and £50. I am not sure where the policy proposal for that £1,000 fine has come from.

The Chair: I think we have cleared what we have to do. Thank you very much indeed for coming along and spending your time with us.