



Political and Constitutional Reform Committee

Oral evidence: [Voter engagement in the UK](#), HC 232

Thursday 3 July 2014

Ordered by the House of Commons to be published on 3 July 2014.

Written evidence from witnesses:

- [Electoral Commission: Main](#)
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Members present: Mr Graham Allen (Chair); Mr Christopher Chope; Tracey Crouch; Mark Durkan; Paul Flynn; Fabian Hamilton; David Morris; Chris Ruane

Questions 517 - 614

Witnesses: **Jenny Watson**, Chair, Electoral Commission, **Phil Thompson**, Research and Evaluation Manager, Electoral Commission, and **Alex Robertson**, Director of Communications, Electoral Commission, gave evidence.

Q517 Chair: Welcome. It is good to see you. Jenny, would you like to kick off with a little statement or shall we jump straight into questions?

Jenny Watson: I would, if that is all right with you.

Chair: Please fire away, yes. Welcome, again.

Jenny Watson: We are very grateful for the opportunity to come and talk to you about this issue and we are looking forward to seeing your report. The Commission currently plays a very specific role in helping raise public awareness about elections and referendums themselves, as well as other key changes to the electoral system such as the introduction of individual electoral registration. In fact, our public awareness for that goes live today. Our efforts focus on providing information about registration and how to vote rather than seeking to drive voter turnout or broader civic engagement, and that is as a result of the political consensus that emerged after the report by the Committee on Standards in Public Life in 2007. I would argue, though, that the work we carry out now plays an important role in engagement by ensuring that voters know how they can play their part and in raising registration levels in advance of elections. More broadly, when it comes to the

way elections are run, we are already discussing with our Electoral Advisory Board—that is a group of senior returning officers who advise the Commission—a vision for 21st century electoral administration and that work will continue after the next general election.

The move to individual electoral registration, and in particular the new system of online registration that went live successfully on 10 June, gives us some real opportunities and there is enthusiasm both in the electoral community and beyond about how we can explore new ways to engage with voters to get them registered now we have a modern registration system. Our public awareness work will involve a wide range of partnerships with many different organisations. As we set out in our briefing for MPs yesterday, there is also a lot that you can do to help, for example by running registration sessions at community meetings or at constituency surgeries and from using the online link. We don't underestimate the challenge of implementing individual electoral registration but all of that will help increase registration rates. In the longer term, there are some other important solutions that we can be thinking about for when IER is running in steady state, such as data matching and exploring how transactions with other parts of Government might also drive voter registration. We look forward to working with Government to see how voters can get maximum benefit from the IT that supports the new system.

I want to finish on a wider point. Fundamentally we need democratic politics because we don't agree, as a country, on the best way forward and about how to tackle the challenges that we face. Democracy enables us to resolve those tensions peacefully. The competing visions that political parties and candidates set out and the choices that you give us about the alternatives you present are at the forefront of inspiring us all to participate at election times. We try always to be mindful of that in the work that we do to make sure that we can help safeguard that tradition for the future. I am very happy to take any questions that you have.

Q518 Tracey Crouch: Jenny, you have rather brilliantly answered my first question in relation to the role of the Electoral Commission but you also mentioned very briefly, or you touched on, that IER was rolled out on 10 June. What impact do you think that is going to have specifically on voter engagement?

Jenny Watson: I think it is positive, partly because it establishes a much stronger connection between the individual and their vote, and their vote being their voice it perhaps makes it easier for a wide range of organisations to get that message across, but also because of the fact that we have a modern registration system for the first time and that is a massive step forward. The idea that all kinds of people, whether they are younger people registering to vote or overseas voters registering to vote, will now be able to complete the process from start to finish online will make a huge difference to engagement and to the types of voter registration campaigns that can be run and the work that can be done in ordinary settings where people go, from schools to community meetings.

Q519 Tracey Crouch: Just slightly at a tangent, but can you give any early outcomes or any update on how the IER is going?

Jenny Watson: I am conscious that you have the Minister for Cities and Constitution coming to give evidence to you next week and I think that since the online registration is Government, it might be something that is more appropriate for him to do. From what we know, the online system has been successively set up and running and it is being used. The confirmation live run is starting to roll out now in local authorities and they will be following that up with invitations to register for people who cannot be confirmed. So far that is going pretty much as we planned.

Q520 Chair: You wouldn't have known this, Jenny, but unfortunately Greg Clark, the Minister for Cities and Constitution has cancelled for next week. He is going to see us in September, so do feel free to go a little wider than you might otherwise have done.

Jenny Watson: I still think I am going to refrain, if you don't mind, Mr Chairman, because although we do have some indication about the fact that the online system is going well, I wouldn't be confident to give out any of the data that I have because, for a start, it might not be up to date and, secondly, I think it needs a more robust going over than we have been able to give it. Would you agree, Phil?

Phil Thompson: Yes, I think that is right.

Q521 Chair: I don't want to press you to put stuff in the public domain that you are not completely confident about but perhaps you could drop us a line ahead of that meeting in September, well ahead if possible, just to give us anything that is solid and evidence-based that you think might be of interest to the Committee.

Jenny Watson: We would be very happy to do that, particularly in relation to the confirmation live run and the information that we have at that time as well. We would be very happy to do that.

Q522 Tracey Crouch: Brilliant. Thank you. Just going back to the role of the Electoral Commission on voter engagement, you mentioned in your opening statement the 2007 Committee on Standards in Public Life report and the recommendation that, "The Electoral Commission should no longer have the wider statutory duty to encourage participation in the democratic process". The Government then agreed with the recommendation that the Electoral Commission withdrew from this area. Do you think anyone else has picked up the task of encouraging participation within the democratic process as a consequence of that original recommendation?

Jenny Watson: That is a good question. I certainly remember in the early days when I joined the Commission having discussions with at least a couple of grant-making trusts about what we would no longer do and I confess I don't know whether they moved into that area of work. In terms of the advertising to encourage participation, I don't think anybody else has and I genuinely don't think it could solve the problem. Alex, do you want to say a little more about that?

Alex Robertson: As I am sure the Committee knows and from the people you have had in front of you, there are a lot of organisations that are engaged now in registration and democratic engagement more broadly. Thinking back to an equivalent time ahead of the 2010 general election, there was a lot of interest out there already among different organisations to get people engaged in politics and registered to vote. What we will be trying to do is to help those organisations to understand what is going on with individual registration, the sort of information that they need to tell people to get them registered and how they can work with electoral registration officers in localities to make all of that happen.

In terms of running the national advertising that we did at the 2005 general election, the Committee members who were at the informal session will have seen it and contrasted it with what we do now. The advertising in 2005—it is always quite difficult to describe an advert—took you through a number of different scenes where people were talking about different issues and said that politics relates to all of them, and personally I agree with that. That is true; it affects many more aspects of your life than people realise. At the end of the advertising it was very unclear what you would then go away and do, what action you would take away from it. Contrast that with the advertising that we ran after that where there was a very strong driver to action at the end of it, "Go and get

registered”. We run them in the immediate period ahead of the registration deadline where you have a spike in interest from people in the election and politics but also they are at the point where if you give them the right message they realise they will lose something. They might think they can vote on polling day but actually they can’t and it is a very different message. If you contrast what happened after the 2005 advertising campaign, where we got a very small number of people downloading registration forms from our website, with what happened at the general election in 2010—it was 10 times bigger, 500,000 rather than 50,000—I think that does suggest that the change in emphasis is probably right in terms of getting a response to the advertising that we ran.

Q523 Tracey Crouch: So you see your role as being quite limited to getting people to register rather than getting people out to vote?

Jenny Watson: I certainly think that giving people information to understand that they need to register is a key part of what we do and that is very practical. To take an example that is currently live—the independence referendum in Scotland—we are producing a booklet that will go to every household in Scotland. That has messages from the two lead campaigners for the yes and no options and a message from the Westminster and Scottish Governments that they have agreed between them about what will happen after the vote, but then it also contains some very practical information about what the ballot paper looks like, how you cast your vote—not everybody will know you put a cross in a box, so we explain that to people—and how you can register to vote and how you can get a postal vote. That is very practical. You need that to know that you can participate.

I know that you will have seen our corporate plan, and indeed the Chairman will have seen our corporate plan through the Speaker’s Committee, but others on the Committee might like to know that one of the things we have said in that—this is not a static thing—is that we will continue to take seriously the implications of declining and low turnout at elections or referendums and to increase the work we do to support organisations and individuals best placed to tackle public disengagement. We do that through a range of routes, some of which is working in partnership with others, some of which might be brokering conversations between civic society groups and electoral registration officers, for example. It is not static. There are a number of other things we are discussing that I can explain a little bit more about if that is helpful.

Q524 Tracey Crouch: I was in Denmark the week of the European parliamentary elections and there was quite a controversial video that the Danish Government had issued to encourage people to get out and vote and why it was important that they voted. As it happens, the video ended up being banned because it was rather obscene but the message was very firmly directed at the younger generation and explained why it was important that they went out and voted. Is that something that you would see the Electoral Commission could get involved with—not necessarily providing obscene material for advertising—so that the gap between the number of registered voters and the number of people who are going out and voting is reduced?

Jenny Watson: Now I understand the Chairman’s reference at a previous hearing to Danish film casts, which passed me by at the time. Do you want to say something about that, Alex?

Alex Robertson: I think it is a question about what we do where we can have most impact and giving people a very clear direct action that you can then measure at the end of it. The change in emphasis between 2005 and 2010 that I described I think was broadly right. Everything that we do in terms of getting the message to the public we test with the public first. We sit down and say, “This is what the advertising looks like,” and we get a reaction to it, and you have to have something arresting and engaging. You have to have something that makes people do something at

the end of it. It does not have to be nice, it does not have to feel good; you have to have action at the end of it. Like I say, I think that the advertising that we have works pretty well for that. You mentioned the Danish one and it causing offence. Obviously in testing it with the public, if something caused offence we would look very carefully at whether or not we would do it.

Q525 Tracey Crouch: I am not suggesting that you do that but I do think that the principle behind the film was that politics touches your life in every single aspect. There is nothing more frustrating as a candidate on a doorstep when somebody says, “I don’t go and vote because it has got nothing to do with me.” You turn around and say, “But your toddler that is crawling round your feet, don’t you care which school they go to or the fact that bins are collected?” It is getting the message out there that they might think that they are disengaged with politics or it has nothing to do with them but actually it has everything to do with them. The decision that they make on that day will affect their life and their family’s life. Do you not see your role at the Electoral Commission as trying to make people understand that politics is important and they should get out there and vote?

Jenny Watson: That is what is behind the aspiration as set out in our corporate plan, but the point where I might differ is not that we don’t think that is important—we do, and if you ask any of us why we are at the Electoral Commission, I don’t think you would get the answer that it is because we all want to be political regulators. It is because we are all passionate about democracy; that is why we do what we do. I don’t think we own the answer to that question and we are more likely to get the answer to that question and to get the change that I think we all want to see if there is a wide range of organisations involved in that activity. It is for that reason that we have said that we want to set out an increase in the kind of support that we provide to those organisations. That might not always be through money. It might be because we know a lot about what electoral registration officers are doing and organisations that want to organise a voter registration drive perhaps don’t understand the best times or ways to make that approach, and so we can bring them together. So it is not that we would not share the aspiration. It is to what extent we think we are the only people who can provide the answer to that question.

I certainly think some of that is about looking at the way we run elections in the future. The work that we are doing with our Electoral Advisory Board, which will continue well after the next general election, will look at getting a modern vision for electoral administration, not only simple law, which is badly needed, but also how you might introduce technology into the process to mean that it is not only more efficient but it is more accessible to people while keeping the degree of security. I also think there is a role for us in stimulating a wider debate about some of those issues, again accepting that we don’t own all the answers. Another piece of work in progress, and it is very much work in progress at this stage, is the creation of something with the working title “a healthy democracy index”—what are the indicators of a healthy democracy—where I can see we might well pull together a range of different statistical information and publish that probably for the first time after the election next May, which looks at things like turnout, spoilt ballot papers, number of people missing from the register, accuracy of the register, membership of political parties, to aim to stimulate a wider debate about the importance of participation.

Q526 Tracey Crouch: My final question is: do you or do you not want to see the 2007 recommendation on your wider statutory duty reversed? Are you quite happy with the current state of play?

Jenny Watson: I would say two things. If it is going to be reversed it would be essential that there be political consensus around it being reversed. You said earlier on that the Government in 2007 agreed with the Committee on Standards in Public Life. In fact, the Government and the

Opposition agreed with that. There was a general political consensus. I think there is a lot that we can do to support participation with our remit as it currently exists. As I said, our corporate plan for the next five years is very clear about that. If you were to reverse it and say we should do more around participation, it is a challenge to us as to whether there is anything we can do—we are an organisation that most people have never heard of, realistically. I would like it not to be that way, but if you are 17 years old, just about to go on the electoral register, why would you know about the Electoral Commission? You might well engage in a different way with an organisation that seems more relevant to you, and so I certainly think there is a role for us but I don't think that we are the fount of all wisdom on that. Do you want to say anything else on that?

Alex Robertson: I would just say that I think it is about where we can have most impact. We did do this in 2005 and it is worth looking at what happened there. It was not a bad thing that we did in 2005. It was good; it talked about politics being a good thing. But if you have a limited amount of resources you have to look at where you have the most impact and for me that change between 2005 and 2010, where we focused on driving very hard a very specific action at the right time, adds a lot of value. When you are talking about people with deep-seated disengagement or attitudes towards politics, these things are not going to be changed in a 30-second TV ad. They really are not. It might play a role but it is not going to be that big. It is going to be more basic about what comes from you as politicians, from people in community groups, people who work with young people and people engaged in society much more broadly. As Jenny said, we have a very important role to play in that in providing people with resources, encouraging it and helping facilitate it, but when it comes to doing that bigger picture, do we think with the resources we have we are better off driving an action on registration or being the people to persuade people to vote when they are not at the moment? I think that is the point.

Q527 Chris Ruane: The Electoral Commission was set up in 2001 and I think the Electoral Commission's best estimate of those missing off the register in that period was 3.5 million. The most recent assessment of the accuracy and completeness of the electoral register was published in 2011. I think the research took place in 2010. You are due to publish an update to this shortly, in July I think. Are you able to give us a preview of the results?

Jenny Watson: We are not, I am afraid, because we are not quite at that point. Obviously we will let you know as soon as we can. I think Phil won't kick me too hard if I say that I don't think we are expecting it to be startlingly different from how it is now but we can't really tell you any more than that.

Q528 Chris Ruane: Will that information be published before the parliamentary recess or after? If it is published afterwards it might not get full scrutiny and full publicity, and it is a very important issue. Will it be before or after?

Jenny Watson: I think that might depend a little bit on the date of recess.

Chris Ruane: I think we are down for the 22 July.

Phil Thompson: Our intention is to publish it before recess if recess is on the 22 July.

Jenny Watson: It is a long-standing principle, as I think you know, that we try to publish all our reports and information about issues like that while Parliament is sitting.

Q529 Chair: I think, Jenny, we will take it that you will use your best offices to make sure that things are published so that the House is still in session. We had a very unpleasant and bloody

experience with the Government trying to publish a Bill on the day the House rose, which we do not want to go over again.

Jenny Watson: I will add that if recess changes that may present us with difficulties.

Q530 Chris Ruane: Is it possible to have a date before the 21 July? It will be a Tuesday. Is it possible to have it on the Wednesday of the week before?

Jenny Watson: We can go away and look at it. We have given you our intention so we will try to meet that.

Q531 Chris Ruane: Can I ask that on the day it is published is it possible to meet with MPs who are interested in this issue and have some public engagement here in the House of Commons?

Jenny Watson: We have a briefing in place on individual electoral registration—we sent round a briefing for all MPs yesterday—which I think is on 15 July. We may not have the completeness and accuracy then but we will do everything we can. If we can't do it before the summer, we will come back in the autumn.

Q532 Chris Ruane: You will be aware that on this briefing for MPs are the questions that the Electoral Commission has recommended for MPs to ask their EROs, to convene a meeting with their ERO and go through these questions with their ERO, to put some pressure from below on their ERO in the run-up to the registration in September and October. I wrote to Jenny on 3 June about this and asked if we could have this information as soon as possible so that MPs could arrange a meeting with their ERO before recess to influence the autumn registration. You replied on the 11 June and said that the questions would be ready at the beginning of the following week of the 16 June, which would have left approximately four or five weeks for a busy MP to arrange that meeting with his ERO. Ian Lucas rang your office yesterday at about 15.35 and asked if these questions were available. They were sent out at 15.38. Is this enough time for busy MPs to hold these important meetings to make sure that we put the pressure on EROs?

You mentioned the increase of 500,000 people being registered in 2010. I wrote out to 320 Labour MPs in 2009 with these questions. They went to see their EROs. In Glasgow, the MPs went to see their ERO mob-handed and 25,000 additional electors were put on the register. This is a powerful means of getting people on the register and I think you have been negligent by not supplying those questions in proper time.

Jenny Watson: I don't agree with that. I am very glad that there is such enthusiasm for the questions and I very much hope that many of you will be using those questions to arrange meetings with your EROs over recess, which I know is a time that MPs are very busy in their constituency. We wanted to tie the visits and the thinking of MPs engaging with EROs in with the IER cycle and what is planned now. Our public awareness campaign goes live today. People will be receiving letters from their EROs over the next week saying either, "You have been confirmed," or "You haven't been confirmed and here is your invitation to register." They will be in a position to have a very useful conversation with you over the summer and into the autumn when they know what the results of the confirmation live run look like and they know where they are targeting their activity. It is about trying to get your enthusiasm and willingness to engage with EROs harnessed at the best moment when it fits in with the IER cycle.

Q533 Chris Ruane: Who judges that best moment?

Jenny Watson: I would say that we have done because we have tried to tie it in with—

Q534 Chris Ruane: Have you deliberately kept these questions back?

Chair: Let the witness answer the question, Chris, otherwise we are not going to get anywhere.

Jenny Watson: We have tried to tie it in with the cycle of activity that EROs are putting in place to support IER. There is a range of monitoring data that Phil can talk a little bit about, which we will be publishing throughout the year. I hope that this will be an ongoing dialogue that MPs will be able to have with their electoral registration officers and I hope that as we go through that cycle you will be able to do more to engage and encourage registration through surgeries and community meetings. Our wish was to have those questions and those meetings set up at the best point in the cycle. I am sorry that you feel this is not the best time but in our judgment it was.

Q535 Chris Ruane: Have these questions been available but you have kept them back to fit in with what you see as the proper time scale?

Jenny Watson: We were developing them in the light of what we know about the activity that is taking place. Do you want to add anything to the monitoring information? It might be helpful to have that at this stage.

Phil Thompson: Only as you said that the confirmation process is under way now, so EROs are only now starting to get the information on the matrix that they will have to deal with in implementing IER. They have the test data from last year, but only in the last few weeks are they getting a sense of what they are actually dealing with now. As of now, if you were to go to an ERO, depending on where they were in the schedule, they would be able to talk to you about that. We will be publishing the full results of it nationally in September.

Q536 Chris Ruane: In 2011 the figure was between 6 million and 8.5 million people missing off the register. If the July research shows that there has been an increase or it has stayed the same over the past four years, will you consider this to be a success or a failure on behalf of the Electoral Commission?

Jenny Watson: We would all like to see a more complete register and a more accurate register. There is no question about that.

Q537 Chris Ruane: Would you see it as a success or a failure?

Jenny Watson: I would say that we made very clear when we published the research that showed there were 6 million people missing from the register that there are many underlying reasons for that. One of those is the reason that I think you are carrying out this inquiry, which is that there is a disengagement of people with politics in this country. From that perspective, electoral registration officers are having to work harder than ever before simply to keep up. I think it was John Tomlinson who you heard from Sheffield who put it very well when he said there are lots of electoral registration officers who just keep plugging away at the problem of that 5%, 7% in their area who are not registered.

Q538 Chris Ruane: So is it a success or a failure if it increases?

Jenny Watson: If it increases, I think it is a good thing. If it stays the same I think it is obviously disappointing. Having a modern registration system will be a massive help, a most significant development in encouraging many people who are not registered now to register.

Q539 Chris Ruane: The Electoral Commission's key success measure on the target performance for completeness of the register states—this is what you want to do over the next few years—"Completeness does not deteriorate". Does this mean that the EC has given up on getting the 6 million missing electors back on the register and are these targets ambitious enough if you just want to make sure it does not deteriorate?

Jenny Watson: We have had a number of ongoing conversations with the Speaker's Committee about targets, so that is a conversation we will continue to have with them. Does it mean we have given up? Of course not. All of our voter registration activity, particularly since we now have individual electoral registration, is focused on getting people who are not registered to register and getting people who are not automatically confirmed to be confirmed. Do you want to say any more about that?

Alex Robertson: A very big focus of our work is getting unregistered people registered, both through what we do—we were talking about that a second ago—and through providing resources. It may be worth saying a little bit about what we have done for individual registration to help electoral registration officers target people who are not registered to vote. Over 18 months ago, we developed our plans for this and how we would support what registration officers do at a local level through testing letters that they send out, testing messages that they give the public, even testing the envelopes that come through the front door from electoral registration officers with the public to make sure that they derive the right response. With the letters we looked at some of the latest insights from the behavioural insights team in the Cabinet Office, the Nudge Unit that people may be familiar with, to make sure that what came through people's front door was most likely to get people who are not registered to respond to it. That has been a very big part of our thinking and will continue to be. We are very keen to make public both the research that we published in the past and the research that we will be publishing in a week or so. We will give all that information to all these groups we have been working with and we will pull out from that if you work with young people, if you work with BME communities, whatever it is and say, "These are the stats for you. Here are some things you can do." We are keen to get that out to make it as accessible as possible for people. It is a very big focus of what we do.

Jenny Watson: We publish the research not only so that people have a sense of how complete and accurate the electoral register is but also so that it can inform the work that we do to best target those voters who are not currently registered.

Q540 Chris Ruane: You say that a big part of your work is to get the unregistered registered and that you have tested envelopes, forms and all these inputs. Have you tested the outputs, the number of people who have been put back on the register? Surely this must be the key indicator. How important is it for the EC to use that indicator of the number of people registered yearly?

Alex Robertson: There are two things. One is the research that we periodically do on the total number of people on the register, and that is the work that we have been talking about. Obviously lots and lots of different factors contribute to that: patterns of social mobility, people's engagement with politics, the practice of electoral registration officers and the role that we play in that too. That is the number that you are saying—the 6 million to 8.5 million that we are publishing a report on

shortly. Then there is the specific activity that we do and how we measure that, from testing materials that we give the public through to our own campaigns. If you are familiar with how you do marketing and how you evaluate it, the thing you are always trying to do is get as close as you possibly can in the evaluation to the outcome measure. We set ourselves stretching targets for the number of registration forms that are downloaded at the end of a campaign and we are thinking we are going to set ourselves some very stretching targets for the general election next year linked to the activity that we are doing. That is absolutely at the forefront of our thinking.

Q541 Chris Ruane: There was a 10-year gap between the first assessment of the number of unregistered and the second assessment of the number of unregistered. In 2010 I informed the Electoral Commission that there were 6 million people missing off the register. I was told by Experian that this was the case. Initially the Electoral Commission denied that. They commissioned research and they said there are 6 million to 8.5 million people missing off the register—a different 6 million to what Experian said. Why was there such a long gap between the two snapshots of the numbers of missing people on the register? Why was it left to a Back-Bench MP to prompt you to conduct this research, during which time two Electoral Administration Acts were passed in 2005 and 2009? Wasn't it incumbent upon the Electoral Commission to do their job and find the statistics for the Government when these important measures were being passed in Parliament?

Jenny Watson: Let me first of all start by explaining the Experian issue and then I will ask Phil to say a little bit more about the research. I think I wrote to the Committee about this, in fact, but I obviously didn't get the message across. We do not consider Experian's methodology to be robust for the purposes of calculating people who are missing from the register.

Chris Ruane: It was more robust than 3.5 million.

Chair: Let's get an answer, please.

Jenny Watson: We do not consider their methodology to be robust for the purposes of calculating those missing from the electoral register. There are two types of methodology that we would use and consider to be robust. One of those would be research based on the census and the other would be random house-to-house research. That is not the methodology that Experian use. We have not been able to see their data. We have asked for it but we have not been able to see it. The other thing that is surprising about the conversations that we had with Experian is that from our research we know quite a lot about the types of people who are less likely to be registered. They live in private rented accommodation; they are very often young; there are some black and ethnic minority groups. Experian use the Mosaic classification and some of the characteristics that they would use to describe people who are missing from the register are categories from that Mosaic classification like *Daily Mail* readers. Those are very settled types of population and we are therefore surprised that they seem to be missing from the register. Phil, do you want to say a little more about that?

Phil Thompson: I think it is useful to be clear about the timelines for some of the work. Before we carried out our 2011 study, the only way that anything was known about the registers was through matching the registers to the census data, and obviously that only happened every 10 years. The last of those studies was published in 2005 based on 2001 data and that was published by the Commission. Between then and the 2011 study we understood, through conversations with research agencies in looking into this, that to do anything ourselves separately from that would be very expensive.

Chris Ruane: What price democracy?

Phil Thompson: In 2010-11 we had further conversations about how we might achieve that in a more cost-effective way and that was why we carried out that study. We were already planning and

working on that when Experian put their information out. We didn't carry out that work in response to Experian. As Jenny said, we used a different approach and a different methodology for that study than Experian.

Q542 Chris Ruane: Would you have carried out that research if I had not have prompted it?

Jenny Watson: We were already carrying it out. Phil has just answered that. We were already carrying it out.

Chair: It is probably important for me to say that I think the relationship between the Commission and this Committee is very important for getting people to participate and engage. I would be very keen to ensure that in future that relationship is even stronger than it is at the moment and any ideas and questions about that would really help.

Q543 Chris Ruane: You mentioned the importance of the census in helping the Electoral Commission to assess the number of unregistered. What are the EC's views of synchronising the boundary review to the same year as the data from the national census is available and perhaps augmenting this with Electoral Commission assessment of the registration levels in that year? Once every 10 years after the census has been done and we know the numbers of people living in the country, you could augment that with your own research and you would have a full idea of the number of people eligible to vote. What is your opinion on synchronising the census and the electoral register?

Jenny Watson: As you know, boundaries is not something for which we have a responsibility and is not something that we would comment on. I would expect in our post-IER survey of completeness and accuracy that we might want to have something to say about the impact of that on boundaries, but I am not aware that we have considered that and we would not tend to comment on boundary issues.

Q544 Chris Ruane: After the next election, whoever wins, the political party in government will decide whether to drop off or deregister the people that have not been taken forward through IER and 1 December 2015 is the freeze date for the next Boundary Commission. At what point would the Electoral Commission recommend that that freeze date is not adhered to, is extended, if there are 6 million, 7 million, 8 million, 9 million, 10 million people missing off the register? At what point; what figure would it be? Would it be 6 million, 7 million, 10 million 15 million?

Jenny Watson: We won't know what that figure is until we publish the post-IER completeness and accuracy research. What I can tell you is the point at which we are likely to give our advice to an incoming Minister who will have to make that decision. As you know, the transition date is currently 1 December 2016 and a decision will have to be made to bring that forward and I would anticipate that very soon after the general election we will be giving advice to that Minister, based on the information that we have collected. Phil may want to say a little bit more about what we will be looking at, but that will be public, that will be transparently published and all of you will have had access, because we are publishing it at local government ward level, to the match rates and the number of people that are being confirmed on to the register through a confirmation live run and other activity. Do you want to say a little bit more about the data that we will have?

Phil Thompson: At that point shortly after the general election we won't have a comparable figure on completeness and accuracy, because that requires the full survey work that we carry out, but what we will have is very detailed data at local authority level right up to the point of the general election on numbers on the registers, number of people who are on the register who are confirmed

or provided identifiers, and therefore who would remain on the register at the endpoint for IER, and then, if IER ended at that point, the number who would be taken off the register. We will also have information on the number of postal voters who are registered and we can compare that back to the number who were on the register before IER to look at whether there has been a significant change there. That is all information that we will have collected right up to the general election, so it will be up-to-date information that we will be publishing. We intend to publish it in June 2015 in order to inform any ministerial decision.

Jenny Watson: I think it is worth me stressing that we thought it was right to start the transition to IER at the point that it was started and we will wait to see what the evidence shows us to tell us whether we think it is right to conclude the transition to IER and what is most important in that in our minds is the elections that will take place in May 2016. I know that many people in this place are focused on May 2015, and I understand why that would be, but in May 2016 there are elections to the Scottish Parliament, the Welsh Assembly, the Northern Ireland Assembly, although IER does not affect that, all the police and crime commissioner elections, local government elections, elections in London for the Mayor and the Greater London Assembly. That is a significant polling day and there would be significant consequences if there were to be large numbers of voters who were not able to vote because the transition to IER fully took place too soon, and that is what is in our minds as we assess that evidence.

Q545 Chris Ruane: At the last general election there were 11 million people who did not vote, possibly 8.5 million people who were not even on the register—19.5 million people not involved in the political process. To put that in perspective, the Conservatives got 10 million votes at the last election and Labour got 8 million; 18 million for the top two parties and 19.5 million not involved in the political process. Is British democracy in crisis?

Jenny Watson: I think that is one of the questions that the Committee is asking. We think it is important that people can participate if they want to do so and that they are not prohibited from participating by a lack of information or by not being on the electoral register. I don't think we have any evidence that there are people who went to try to vote at that election and were unable to because they were not on the register, but of course it is important that people know they have to be registered in order to participate.

Q546 Chris Ruane: It is important, but is British democracy in crisis?

Jenny Watson: That is not how I would characterise it. I think we all share a concern about the trends around turnout, disengagement, registering to vote and engagement with the political process.

Q547 Fabian Hamilton: Can I move on to the performance of the electoral registration officers? We have already mentioned that so far in this evidence session, but since 2006 the Electoral Commission has had the power to set and monitor performance standards for electoral registration officers. How effective do you think this process has been in terms of making the work of EROs more transparent as well as creating an incentive not to underperform?

Jenny Watson: I certainly think it has made it more transparent. You can see whether EROs are meeting the performance standards or are not, and when they fail them we say so. From that perspective, there is a great deal more transparency than there was. I am also aware that there is some academic research, I think by Toby James, that suggests that the peer group—I wouldn't quite say competitiveness—scrutiny and the fact that there are performance standards has pushed

people to learn from each other and to see what their peers are doing and how they are performing. We are always developing our performance standards and we have tried to make them, certainly for this year, much more dependent on outcomes rather than on inputs and that is a change. I think we said to the Committee earlier this year that electoral registration officers are prepared to meet the challenge of IER. They have put plans in place to use local information and they have all put local public awareness plans in place.

Q548 Fabian Hamilton: Obviously the process is to highlight cases where EROs are underperforming but do you think it does enough to show where they have been particularly successful in their duties? Are you celebrating the success and is that being shared as best practice with other EROs who perhaps are underperforming?

Jenny Watson: I think that is a fair point. I am aware that there has been some discussion in your earlier evidence sessions about, for example, an awards scheme, and we think that is a very good idea. I am not sure that you would necessarily want the regulator to run it but we would be very happy to play any part that is appropriate in running that. What I would say about an awards scheme is that it would be important for it not to be necessarily the best ERO but to think about the best activity that has targeted people living in an urban area, a rural area or perhaps under-registered groups of electors, otherwise you would be slightly comparing apples and pears because people have such different populations to deal with. We do share good practice and we are developing our plans to do that, particularly in relation to the implementation of individual electoral registration, so come the autumn we will have a mechanism set up to share that with EROs. We bring people together to share that now, but I think we could probably do more to share that with MPs and we are thinking about how we might put that in place.

Q549 Fabian Hamilton: That would be pretty helpful. Your 2013 report on the household canvass stated that you would be considering how to respond if an ERO failed to put in place arrangements to carry out the house-to-house inquiries that are now required by law. Given that there are dozens of EROs that have failed this requirement in recent years—and I suppose it is following up from some of the points that my colleague Chris Ruane made—what would it take for you to recommend to the Secretary of State that he issues directions to EROs on this point? Why hasn't it been taken more seriously up until now?

Jenny Watson: There are 22 EROs who have not met the house-to-house standard, so that is 6% of the total. We are confident that their plans for the implementation of IER show that they have plans to meet that. If we find that they aren't—that could happen at any point—then we will be talking to the Minister. We are already talking to the Cabinet Office. We have a process in place to ask for a direction quickly if we need it. I think had we not seen the transition to IER being funded in the way that it is, you might well have seen directions being asked for at this point. Since it has been funded in the way that it is and we are confident that EROs have the resources to do what needs to be done, we haven't therefore yet sought to ask for a direction, but I would not rule that out at all.

Q550 Fabian Hamilton: Do you think you have taken seriously enough the failures by that small percentage of EROs?

Jenny Watson: Yes, I do. I think there is a point about us wanting to support people in getting them to comply and getting them to a point where they have the skills and capacity and the understanding. In relation to their compliance with the law, we have made it absolutely clear when they have not. As I say, had the transition to IER not been funded in the way that it is, I have no

doubt that we would have been asking for a direction previously. We are now monitoring assertively and we will ask for a direction if we need it.

Q551 Fabian Hamilton: When we spoke to John Turner, the Chief Executive of the Association of Electoral Administrators, he told us that a system of special measures allowing the Electoral Commission to intervene may be “the only answer that would work for dealing with underperforming EROs”. Do you think there needs to be a system where special measures or something similar can be put into place where those EROs are underperforming?

Jenny Watson: I thought that was a very interesting discussion and in some ways it is an evolution of the performance standards regime, which as you suggested in your question is still relatively recent. It is important to understand that our performance standards now are risk-based. What we do is identify those EROs who need either greater support or help or push in some cases to get them to be where they need to be. Let me take IER as an example to provide that. When we looked at the performance standards and whether they were being met for the transition to IER we were concerned to see whether we could provide support, whether the Cabinet Officer regional delivery managers who are working on IER might provide support, or whether bringing groups of electoral services managers and EROs together to talk about some of the current problems was an answer. In fact, we did all of those things. So we have now got people to a place where they are in a position to meet the standards and to do what needs to be done.

I think if there was going to be a special measures regime and if that is something that the Committee wants to recommend, what would be most helpful to us would be to identify the purpose of it—the “why” question rather than the “what” of how it should be done. One of the things we will have to think about is how it would be sustainable in the longer term. I don’t know that you would necessarily want the regulator to be going in and managing those local authority areas. It seems to me that is not what we are set up to do. So, how would that work? Would we have a panel of people who are available to provide support and advice? I think we would like to think that through, but if special measures is something that is thought to be desirable at this point then I could see that it is a discussion we might need to have.

Q552 Fabian Hamilton: Let me offer some advice. When special measures are introduced in schools, the head teachers of those schools are often teamed up with heads who perform extremely well and those good performing heads offer their advice and guidance in a friendly and collaborative way to the heads who are in charge of schools that are not working so well. One could foresee a similar situation perhaps with EROs, the very best performing EROs giving guidance on best practice to those who are not performing so well.

Jenny Watson: That is to a great extent what happens now. For example, the Electoral Advisory Board has members who are involved in the moderating of our performance standards assessment. They are senior returning officers who advise the Commission and they give us the benefit of their judgment. They are looking at their peers and seeing how their peers perform, and we certainly do help people buddy up together in that way. What we don’t do is name and shame when they are doing that. We have made a judgment that naming and shaming is not always the best way to help people learn and change and to support them. When we think they are failing to meet a standard, we will name and shame and there is a role for that. I think that again comes to the discussion about why we have special measures. If it is to signal more clearly that somebody is failing, we need to think very carefully whether naming and shaming is necessarily the first step on the road to do that. Do you want to add something?

Alex Robertson: Just briefly to illustrate what we do at the moment. We asked EROs for their public engagement strategies for individual registration back in October. When we first looked at them, we thought that about 25% of them were not quite up to the mark. Between October and March we then went and did exactly what Jenny described. A lot of the issues that they had originally were with analysing their confirmation dry run data. When they sent off their electoral registers and got them matched with the DWP database they came back and they then had a load of information about who wouldn't be confirmed in their area. It is then a question of what you do with that data to develop an effective public engagement plan and a lot of people were struggling with that so we put them in touch with each other. Where that was working in a local authority, they would speak to one that wasn't working, that kind of peer-to-peer help, and from October to March that got us from having 25% where we had concerns to none.

Q553 Fabian Hamilton: That is very encouraging. EROs are not currently subject to Freedom of Information requests but John Turner, Chief Executive of the Association of Electoral Administrators, told us that they would advise their members to respond to such requests in the spirit of transparency. Do you issue any guidance to EROs as to whether they should respond to requests for information?

Jenny Watson: We would say exactly the same thing—that they should respond as if they were subject to the Freedom of Information Act. I confess I don't really understand why they are not and whether it is a kind of glitch in the legislation, but we just advise them to act as if they were.

Q554 Fabian Hamilton: Would you support EROs being formally brought into the Freedom of Information Act so they have to respond to requests for information?

Jenny Watson: I think that would make things clearer.

Q555 Fabian Hamilton: That is helpful. Can I move on now to electoral fraud? Your recent report on electoral fraud stated: "Reports of electoral fraud are not widespread across the UK" but that there is a "consistent underlying level of concern about electoral fraud". To what extent would you say electoral fraud is a real issue at UK elections as compared with a perceived issue? Do the media just hype this up when they find the odd example or is it more widespread than we might believe?

Jenny Watson: I think it is both. There certainly is a perception, and we look at this after every election, and it is pretty stubborn perception. Around 30% of people believe that fraud is taking place.

Q556 Fabian Hamilton: In a widespread way or just in isolated pockets?

Phil Thompson: The question we ask people is whether they think electoral fraud happens a lot or a little and about 30% of people year on year say in a combined way it is either a lot or a little. That is the joint percentage.

Q557 Fabian Hamilton: This is quite an important distinction. If people think that there are isolated areas that have been highlighted in the media where it is happening but the rest of the country is fine, that is worrying, but it is not as worrying as more than 30% of the public thinking, "It is just widespread. Doesn't matter what we vote, fraud takes place everywhere." The distinction is important, don't you think?

Phil Thompson: It is difficult within the public opinion research and we have tried a variety of ways to ask these questions. We have asked people, “Do you think fraud has actually affected an election result?” We have tried previously asking people whether it affected a lot of election results in their area or not. It does vary a bit. The answers suggest that commonly people have no experience of fraud themselves, so they are answering on the basis of things they have read in the media or sometimes things that someone else has told them second-hand. But when we have asked follow-up questions to people who say they are concerned, we have never found an actual first-hand example that someone is drawing on when they are giving those answers. That is just in our public opinion surveys but we have attempted to get beneath that 30% figure to see what is driving it.

Jenny Watson: You asked whether it was real or a perception, so I think that deals with the perception. Is it real? You will know from the report that we said it is relatively rare. There are 16 local authorities out of around 380 that are at greater risk. In those local authorities it is not the whole local authority area. It is usually a few wards and it is much more likely to happen at local government elections. We expect more from returning officers and electoral registration officers in those areas. Having said that, there have been convictions, there have been election petitions, and in looking at the system we are conscious that it is changing and we will have a secure registration system. What that then leaves will be a vulnerability around in-person voting and in our judgment the damage to public confidence that would be caused by an erosion of trust in in-person voting could be substantial. That is what has led us, through a series of work with voters and talking to voters, to recommend some kind of ID for polling stations by 2019.

Q558 Fabian Hamilton: You mentioned 30% believe that there has been some fraud or a great amount of fraud. Is it a coincidence that the average turnout at many general elections is around 70%, so 30% don’t vote?

Jenny Watson: I think it probably is. I don’t think we have anything to suggest otherwise.

Q559 Fabian Hamilton: Just a minor observation there. The report set out a number of proposals that would increase confidence in our electoral system including, as you just mentioned, Jenny, requiring voters to present photographic identification at polling stations and restricting certain people from handling postal vote application forms and postal ballot packs. Can you say a little bit more about why you think these changes are necessary? You have said that, if people believe that individual voting in person is fraudulent, it will completely undermine our democratic system, and I would agree with that. How would this work? I can imagine that a lot of people who are not used to carrying photo ID, especially older people, might be really offended by this.

Jenny Watson: One of the things we also said was that we were going to do some work and we will publish proposals after the general election to look at what that kind of system of identification might be. It is obviously important to note that before any change in the law takes place, Parliament will have ample opportunity to discuss it and debate it and decide whether this is a route it wants to go down.

One of the things that we looked at was the system that is in place in Northern Ireland where you have to present some kind of photo ID. It doesn’t have to be current. It has to prove it is you but it does not have to be a current address. That can be a passport or driving licence but it can equally be a bus pass, a whole range of photo transport passes, or if you can’t access any of those or don’t have any of those, you can get a free electoral identity card. One of the things we know about that is it is incredibly popular with young people. In fact, it helps the chief electoral officer in Northern Ireland get young people signed up to register to vote because they then have some form of ID that

proves their age—and I see Mr Durkan nodding—and they use that to get into pubs. They are not wildly excited, necessarily, about going to vote but they can use it to get into pubs. We will look at that and we will obviously need to explore the cost of that. One of the things that we will need to be mindful of is whether that would impose any unnecessary barriers for people. We do need to get the balance right between accessibility and security, and that is one of the things that we will be looking at very carefully as we do this work.

You raised the point about trust in the system. We are looking forward to a point where the registration system is secure, your identity is checked before you go on to the register, and therefore that does leave a vulnerability at the point that you vote in person. When we asked in the research that we did how they felt about it, 92% of people said that they thought that presenting some kind of ID would help to eradicate suspicions of fraud. In fact, many people who did not vote thought you had to take ID when you voted in any case, so there are some perceptions out there. I think we are going with the grain of public opinion but we need to be sure that it would not deter people from participating. There is no evidence in Northern Ireland that it does but we need to think about that here.

Q560 Fabian Hamilton: All members in this room will be familiar with the fact that many electors, when you ask them whether they have voted or whether they are going to vote, say, “I can’t because I’ve lost my polling card” because they believe you have to have a polling card. Would you agree that it is slightly ironic that Parliament soundly rejected ID cards, certainly in this Parliament, and yet we are looking at some sort of identity card system for voting?

Jenny Watson: I can’t stress too strongly that it is not an identity card. It is an electoral identity card. It is not smart in any way; it does not hold any data. It is simply proof of your identity.

Q561 Fabian Hamilton: You have already said this but I just ask you to emphasise it: will you assess the potential impact on different groups within society of the ID card proposals or identification proposals that you make? I think they will have different impacts on different sections of our community.

Jenny Watson: Absolutely, and with doing that work we may find that there are substantial numbers of people who would never need to apply for an electoral identity card because they have a photo bus pass or a passport or a driving licence. Many people now have photo bus passes and so we might find that the pool for the electoral identity card is smaller than we anticipate. We will also need to look at the cost, but we absolutely will be looking at differential impact.

Q562 Fabian Hamilton: Finally, would you accept that in many local communities, including large cities like Leeds, the polling officers and polling clerks recognise a lot of members of the community anyway, so there is a high recognition factor when you walk into that polling station because people know each other, they live in the communities where they are doing the polling clerk work? Is that something we are going to discount altogether?

Jenny Watson: I think that is great and if you can employ staff who live in the local community and who do know people in the local community, that is a very positive thing, but we have a very mobile population and we have a trust-based system that was designed for a different kind of society. Our concern is that we get that right for the 21st century and we don’t continue to rely primarily on a trust-based system beyond its point of reliability.

Q563 Fabian Hamilton: But we are not going to throw the baby out with the bathwater?

Jenny Watson: I hope not.

Q564 Paul Flynn: Following the sad death of Bob Jones, the police and crime commissioner for the West Midlands, at the weekend, there has to be a by-election within 35 days and five of those have gone already. At the original election, only 12% voted. You have identified the lack of visibility of the candidates and people's lack of awareness of what was going on as a factor in those low turnouts. Won't this be even worse in the situation of the coming by-election?

Jenny Watson: I might ask Phil to say a little bit more about the data there, but we were very pleased to see the order that has been made that lays provision for a booklet with a contribution from all candidates to be distributed throughout that constituency. That is what we called for in the first place because we knew that those constituencies were large and people would not have the ability to get to hear about what candidates thought or what they were standing for. That did not happen in the original elections; I understand it will happen in the by-election and for future elections.

Q565 Paul Flynn: Within the next 30 days the parties choose their candidates and individuals stand in seats. It is a very short time in which to hold a by-election, isn't it?

Jenny Watson: We might perhaps write to the Committee about the technicality of the timetable but I can refer you to the Police and Crime Commissioner Elections (Amendment) (No. 2) Order 2014, which was published on Monday. Phil, did you want to say something about the statistics?

Phil Thompson: Only to emphasise the point you made and that we made in our report after the PCC elections. There was very clear evidence from our survey of voters and non-voters that the lack of awareness played a significant part in those elections. When we asked people who didn't vote their reasons for not voting, about 37% of them gave a reason that related to a lack of awareness. That compares commonly to about 6% or 7% of people who give that kind of a reason, so a substantial increase. We also asked questions about whether people felt they had enough information to make an informed choice about a candidate and only 22% of people said they felt they did have enough information. At the last set of local elections in May, 63% of people said they had enough information to make an informed choice, so again a very substantial difference. I think there was enough evidence there to be clear that lack of awareness was a significant factor at the elections.

Q566 Paul Flynn: There is another factor in this constituency in that Bob Jones was possibly unique in his view at the election—he has given in evidence to Select Committees here—that he thought the office of police and crime commissioner served no useful purpose and should be wound up. That was his view in the election campaign. Do you think that is likely to have an influence on turnout?

Jenny Watson: I think we couldn't say. The provision of information from candidates is very welcome.

Alex Robertson: It probably is worth us writing to you afterwards because we are looking very closely at the order that has been laid and whether or not it has been laid in sufficient time for the new provision that Jenny mentioned to be applied to the election in Birmingham. There is something very specific about the election coming up that we will look at.

Q567 Paul Flynn: This was very rapid. I believe he died in his sleep on Saturday, so the wheels for the by-election are moving swiftly there.

Jenny Watson: We will follow that up with a letter, if we may.

Q568 Paul Flynn: Yes. We heard from Bite the Ballot about their national voter registration day and the claim is that they induced 35,000 people to register to vote on the back of the campaign and it cost about £9,000. You talk favourably about groups like Bite the Ballot. Do you think there are lessons to be learned from this group and other groups in enlarging the registration to specific groups?

Jenny Watson: Definitely. We are big fans of Bite the Ballot and a number of other organisations. Alex, do you want to say something?

Alex Robertson: Definitely. I think the work that Bite the Ballot are doing—and not just them but many other organisations working with young people and other groups—is very effective and very innovative. What they are able to do, by focusing on a very specific audience, is build up a relationship with them and understand what is effective for them. What we want to be able to do—I was talking about this earlier—is make sure that we give resources and help to organisations that are already planning to do that, make them understand what is happening with individual registration, make their life easier, make them understand what they will need to do to help electoral registration officers to make that effective.

They do something quite different to us. Our focus is on making sure that everyone who is not registered to vote has a chance to get registered to vote. You will have seen from the presentation we did that the campaigns seek to do that. Of the between 6 million and 8.5 million who are not registered to vote, a lot are not young people. Fourteen per cent. of people between 35 and 54 are not registered, so that is an awful lot of people. Once you decide that you are going to try to reach that broader audience you do end up spending more money doing it and using the mass communication channels that we do.

Q569 Paul Flynn: Operation Black Vote is another specialist group encouraging people to vote. What do you think the result of their efforts would be compared to the anti-registration campaign—if you can call it that—from Russell Brand, who is discouraging people from voting?

Jenny Watson: Am I going to be invited to comment on Russell Brand? I do hope not. Operation Black Vote is another organisation that we are working with in the run-up to individual electoral registration, and again there are some good things that they do. We know from the research that we have done that some black and minority ethnic groups are less likely to be registered to vote. You can reach those people in all kinds of ways but there is always room for lots of enthusiasm and lots of different ways of tackling the problem.

Q570 Paul Flynn: Can you think of any other groups that are badly served in this way that possibly could gain from having a specialist group encouraging them to vote?

Alex Robertson: A lot of the groups, black and minority ethnic communities, young people, are not hard to identify and there are emerging groups that work with those people anyway. It is about taking those groups that are doing that and have those existing relationships at a national level or a local level and giving them the information and resources to do it. It is interesting, now you can register online, which we have been talking a lot about, that it is an awful lot easier than handing

out a paper form, collecting it up and making sure it gets to the right electoral registration officer. Making those organisations aware of how you can do it—just put a laptop somewhere and do it—is an awful lot easier to do, as is harnessing the enthusiasm that there will be, is already and will build in the run-up to the general election. We are taking that and giving them the information in order to do it.

The thing that gets a bit more tricky is when you have groups that don't have a natural home in terms of organisations that already work with them, and the obvious one is home movers. You can't, off the top of your head, think of organisations that are dedicated to supporting home movers but you can—this is some of the partnerships that we have been trying to establish—work with organisations, particularly in the commercial sector, who people will be in touch with when they move home. When you are moving house you do lots of things: you change your utility provider; you change where you pay council tax. There are lots of things you do and we have started establishing some links. It may be worth telling the Committee anyway that we are putting information from some of these organisations we are working with on our website so you can see, and other organisations that are interested in this area can see, what other organisations are doing. We are working with MoneySavingExpert. They have a list of top tips for people who have moved home and one of them will be making sure that people register to vote with their new address. It is things like that where you can target those groups that otherwise might not get specific attention.

Jenny Watson: The one other group that I would flag, Mr Flynn, in answer to your question, is overseas voters. However many people living overseas we think are entitled to register to vote, the gap between that number and the number who are registered is very significant. We ran an overseas voter registration day in the run-up to the European elections and we will be repeating that in the run-up to the general election, having learned some lessons from that.

Q571 Chair: On that point, we had some evidence from New Europeans. I don't know if you have seen that, but they have asked about the barriers to non-British EU citizens in voting in elections in the UK. Have you had a look at that particular question, the non-British EU citizens?

Jenny Watson: Yes. I was actually thinking of it the other way round, British citizens living overseas, but we will be picking up that issue in our statutory post-election report, which will be published before recess, and have been asking all EROs to tell us what happened in their local area around that issue. We are aware that it became an issue. We need to wait to see the evidence but I suspect that the longer-term lesson may be to combine what is currently two forms into one so that it is a more straightforward process.

Chair: Perhaps I could drop you a line and you can reply a little bit more.

Jenny Watson: We can follow that up, yes.

Chair: Sorry to spring that one on you.

Q572 Paul Flynn: I have a figure here of 19,245 registered overseas voters. That seems a tiny figure knowing that there are millions of British people living permanently in France, Spain and so on. That is a tiny amount. Do you have any plans to increase that number? Do you have any idea what percentage it represents of the total overseas population?

Alex Robertson: It is tiny. One of the complications is that establishing the actual number of the eligible electors overseas is very difficult because, as I am sure you know, you have to have been on a UK electoral register in the last 15 years. But from the data that we have looked at from the World Bank and the IPPR, and we have also talked to the Foreign and Commonwealth Office

about this, the best estimates of the number of expats who could potentially be eligible to vote is very big compared to the number who are registered—between 3.5 million and 5 million. To an extent, once you have got beyond a few million, it does not really matter what the precise number is, it is just far more than are actually registered. The trick then is how you get to those people. For the same reason that it is quite hard to know exactly how many there are—they are dispersed across the globe—it is a question of how you reach them. We are looking very closely at what we did for the European elections just past and ahead of the general election to work with some potential overseas partner organisations who already have links with expats, and we have done work with the political parties to help with that.

One of the big impediments at the moment is not only do you have to—until 10 June—print out a paper form to register to vote, you also have to get a British citizen to attest that you are eligible to vote as well. It is not a very appetising process if you are considering whether or not you want to vote and you live overseas. The advent of online registration we think presents a massive opportunity and we are very keen to take advantage of that. There are lots of clever things you can do online to try to pick up from the search terms and sites people are looking at, even from Facebook, when they were last in the UK. There are clever things you can do to target those people online. We are also working with the Foreign and Commonwealth Office who were helpful ahead of the European elections. We want them to do even more with us ahead of the general election to get the message out to those people. We will set ourselves a very stretching target for doing that and be very ambitious about what we achieve. If we don't do it all, it is best we have tried and stretched it as far as we possibly can.

Jenny Watson: Many political parties have arms of the party or methods to contact voters living overseas and we will be working with parties, as indeed we will be throughout the implementation of IER, to help them get best use out of the online registration.

Q573 Paul Flynn: I understand your budget for public education was fixed in 2002 at £7.5 million and has been frozen virtually since then. It has now been increased to £9.5 million. That seems a puny increase with the tasks you have with individual registration and online registration. Is this enough and have you complained about this inadequate increase?

Chris Ruane: Would you like some more money?

Alex Robertson: Paul, I think what you are referring to is the limit in the PPERA Act in section 13, which is the total amount of money that by law we are allowed to spend on public awareness, which was £7.5 million and just for this financial year has been increased to £9.5 million. In practice, our budget fluctuates below that year on year and it fluctuates depending on how many elections are taking place and any other electoral events. Obviously the individual registration presents a particular public awareness challenge outside the ordinary electoral cycle.

Jenny Watson: We think what we have got is sufficient for us to do the job. We do bid to the Speaker's Committee on a year-by-year basis and an event-by-event basis, so if we thought we needed more we would ask for it.

Q574 Paul Flynn: The number of new registrations that we have from downloads and everything else that has been tried has been relatively small. Have you any suggestions of how we could have some campaign that would greatly increase the number of people registering? Do you think there is any kind of better approach to use? We know about the problems with the electoral

registration officers but do you see something else for making sure that we have a better democracy and a larger proportion of people registered to vote?

Jenny Watson: I think making it easier for people to register to vote, not in the sense of what is required but in the sense of how they are able to register. For that reason, I think online registration, as I said earlier on, is a tremendous step forward. Not everybody wants to or will go online, but one of the things we found when we tested the forms that EROs will use through the implementation of IER was that people were very enthusiastic about seeing that online route signposted and would use it if it was there. I do think that makes a tremendous difference, particularly to young people.

Q575 Paul Flynn: What percentage do you think might use it? We have seen dramatic increases in other online activities that have occurred. What do you foresee in about 10 years' time for the number of people who are likely to be involved online?

Jenny Watson: I don't think I could predict that. I would say that I would like to see the gap between those eligible to be on the register and not on the register to be as small as possible. I would predict that the majority of it might well be online.

Q576 Paul Flynn: Democratic Audit in February told us they had used your website to check for forthcoming elections in Westminster and it said, "There are no elections in prospect in your area" despite local and European elections being scheduled for May. Have you considered how the information you provide on forthcoming elections could be improved?

Jenny Watson: We found out as a result of monitoring that hearing that we had an IT glitch with a particular electoral registration officer or local authority in relation to that site. If we had known about that sooner we could have addressed it sooner but, having said that, there is some work going on to look at About My Vote, and I will ask Alex to pick that up.

Alex Robertson: We do regularly update About My Vote to try to keep it as current as possible, obviously making sure that it is current ahead of every major set of elections but also in between. That is something we try to do and if people ever spot something that is out of date it is very helpful to know.

In terms of the registration activity online, the most registration form downloads we ever had was in the general election in 2010 when we had 500,000. Even then though, you do find people dropping out sometimes during the process. Until 10 June, you still had to print something out, sign it and post it off. This is much more inconvenient than most people are used to when interacting with the public service. I think we have—not just us, but all the organisations we work with that we have talked about—an opportunity that we will probably only get once in the electoral cycle in the run-up to the general election where there is a level of interest from the public and from partners, and with the advent of online registration, to really boost the numbers of people coming through online. We will set ourselves a very stretching target. We will work very closely with all those other organisations that are already involved, and many more that we are trying to get involved, to get the maximum possible impact from that.

Paul Flynn: I am grateful to you. Thanks.

Q577 Mark Durkan: Just for your information in terms of time, I got my copy of the questions for EROs at 15.26 yesterday, absolutely unsolicited, not that it matters because we already have individual electoral registration in my constituency.

In your written evidence you indicate that you have been asking current and previous Governments to conduct a comprehensive electoral modernisation strategy for many years. You also say, “Such an initiative is now both practical and timely”. Why do you think past and current Governments have not seemed to be taken by your call?

Jenny Watson: I think that is probably a question that is better put to past and current Governments. I should say that for the current Government the introduction of online registration—at the risk of labouring the point—does go a long way to making that part of the system much more modern and accessible. I think one of the things that is important in trying to look at that kind of electoral modernisation strategy is having a long enough term in which to plan and having cross-party agreement for the direction in which you want to travel. There is a Speaker’s Commission on Digital Democracy taking place at the moment so that may have more to say about this area as well, but I think it is probably a question best put to Government.

Q578 Mark Durkan: Various witnesses, although far from all, have supported changes that might include weekend voting, election day registration, making polling day a public holiday. Are those changes that you have considered or would you consider them?

Jenny Watson: We have talked quite a bit in the past about what we have described as advance voting. That is enabling people to vote not only on polling day but perhaps in the week preceding polling day, which would obviously include polling over a weekend for those people for whom it was more convenient. In the work that we are doing with our Electoral Advisory Board to look at a longer-term vision for electoral administration, many of those solutions or many of those options would be included—for example, being able to look at whether you could have on-the-day registration. What might be the risk with that? What would you need to build in to make it secure? We are thinking, particularly about the conversation around overseas voters, that perhaps you could use barcode technology of the kind we have on boarding passes for planes. That could allow voters to download a ballot paper if they are living overseas and post it back rather than their waiting for it to reach them in the post, and then filling it in and sending it back. There are a whole range of options, including considering whether we should look at internet voting. That is not to say we should but it is to say that it cannot be on the list of things that we don’t consider. We will carry on that work. There is certainly some demand from voters for that. Phil, do you want to share the latest?

Phil Thompson: As part of this work, we asked on our most recent public opinion poll after the May elections whether people would support various modernisation measures—this was asked of everyone, whether they had voted in those elections or not—and about 70% of people said they would support weekend voting and about 65% would support advance voting in some other way so it would be stretched over a number of days. There were also high levels of support for things like online voting. About 63% of people said they would support the introduction of online voting and slightly fewer, I think, for same day registration, but all relatively high percentages. We did also ask the people who did not vote in those elections whether some of those measures would have made them more likely to vote. About half of the people who didn’t vote told us they would have been more likely to vote if they had been able to vote online.

Q579 Mark Durkan: Back in 2007 the Commission said trials of e-voting and telephone voting should end until the electoral system had been made more secure. You have indicated in relation to e-voting or internet voting—I don’t know if the same applies to telephone voting—that those are not in the things that should not be considered. Does the Commission have any current view of its own in relation to e-voting and telephone voting, particularly in light of imminent individual elector registration?

Jenny Watson: To think back to some of the pilots that we previously evaluated—and Phil can talk a little bit more about this—the evaluations at that time didn't show that there was necessarily a huge positive benefit in terms of increasing participation. The work that we are doing with the Electoral Advisory Board, which will inform our view, is to make sure that the voice of those who are running elections is heard at the heart of that debate as well as the voice of the voter. To put it at its crudest, I suppose our concern about the risk that we could face is that we continue to organise well run elections to which an increasingly small number of people come and participate. That is something where electoral administrators want to have something to say, we want to have something to say, and we want to look at that into the future. We are saying: by 2025, what would an election in the United Kingdom look like, what might be the characteristics of it and how might technology best support it so that we can make it as efficient as possible, as secure as it needs to be, and as accessible as it should be?

That is the work that is ongoing. Internet voting is in there, and using technology in other ways is in there, and we need to see that work come through to fruition before we can definitively say, "This is where we think we should go with it." At the moment we have quite a few suggestions and we have a number of senior returning officers who are helping us think about it, but it is work in progress. There is a real role for the Commission in terms of thinking about electoral administration and voter engagement in the future.

Q580 Mark Durkan: You said the previous pilots did not seem to make much difference. Has the Commission or anyone else considered how those pilots on online voting could have been improved in a way that would have increased participation?

Phil Thompson: I think one of the issues with the pilots in 2007, particularly with e-voting, was about how they were set up at the time. Seven years ago the technology that was there to allow that to happen in a secure way was not potentially as user-friendly as it might be possible to make it now. There were quite small numbers overall in some of the areas that used that channel of voting who said they wouldn't have voted anyway. That may have been partly related to the fact that, although it was potentially more convenient, it was not as convenient as it might be able to be made now with advances in technology.

Jenny Watson: The other thing I would add, Mr Durkan—it is not the most sexy element of the conversation but it is so important—is that it is not sustainable to continue to heap new initiatives on top of a body of very fragmented and complex electoral law. The other part of the work that is taking place is the very important review that the Law Commission is doing, looking at simplifying and streamlining electoral law and having a strong foundation on which you can then think about how you best modernise the system through thinking about how you use technology. We are at the stage where we have to address both planks of that and it is for that reason that we strongly support the Law Commission's work. It is very important and I hope Government will also continue to support it.

Q581 Mark Durkan: You referred there to the Law Commission and previously you referred to some of the engagement that has gone on in relation to digital democracy, and of course you have said that the UK needs some comprehensive strategy for bringing how we vote into the modern age. You touched on some of what might come forward in the development of such a strategy. How clear are you as to what the Commission's role is in relation to that in terms of distilling and bringing forward those recommendations, and how far are you deferring to others or waiting for other planks to be put in place before you say, "Right, we can go on to that platform"?

Jenny Watson: I am sorry, if that was your question earlier I misunderstood it.

Mark Durkan: No.

Jenny Watson: I think it is central. It will be for Government always to bring forward legislation—of course it will, and it is most important, as I said earlier, that there is cross-party consensus around a longer-term vision for how we run elections. That has to be the case, but I do think the Electoral Commission has a central role in bringing together the experience of returning officers, partly to say, “If this is where we want to go, what might the risks be and how can we make sure that those have been considered before plans are brought forward?” We started that work earlier this year and we will continue to take that work forward, but it will run beyond the general election. I can’t give you a date when we will have something that we pull out and say, “Here it is,” but I absolutely think that it is for the Commission and our Electoral Advisory Board to have a central role in the development of such a proposal. Maybe then Government may agree with it, Parliament may agree with it or disagree with it. There can be discussions, but certainly we should have something that we are able to propose and say, “These could be the constituent parts”.

Q582 Mark Durkan: You are prepared to come forward with route planner options even without somebody else saying, “We want to go to this destination and we want to include these possible points”?

Jenny Watson: Yes, and I think also some of the underpinning principles that might be important in getting to that point. There will always be trade-offs in terms of cost and what is desired and there will always be a balance between accessibility and security and transparency. We just have to get that right.

Q583 Mark Durkan: The Electoral Administration Act 2006 states that a local electoral officer “must take such steps as he thinks appropriate to encourage the participation by electors in the electoral process”. Has that section been implemented or acted on in any heavy way?

Jenny Watson: We provide guidance on it and we also provide resources that returning officers can use that have been tested on voters. For example, we provide posters and templates and leaflets that they can use. Yes, we aim for them to encourage participation.

Q584 Mark Durkan: Do you have any feedback on the guidance you provide and what is your assessment of how well it is taken?

Jenny Watson: I can tell you, having attended some of the regional returning officer briefing seminars before the European elections, that I know people use our resources. I had a lot of very positive feedback about the resources that we provide and how useful those are. Certainly in terms of the discussions that we have had in the run-up to IER, that has been something that has happened.

Alex Robertson: There are two points in relation to that. One is that the Act also created performance standards, which we then set. They are monitored and we have seen improvements against them. In terms of how we have done our most recent set of guidance for electoral registration officers, for individual registration we set out from the beginning to take a new approach where we went through the guidance working with administrators—the Electoral Advisory Board that Jenny mentioned—to endorse the guidance that we produced last summer. We made sure that the guidance was not only accurate, but practical, helpful, and had case studies and examples. We went through every element of interaction that the electoral registration officer

would have with the public from stuff they proactively do like letters and phone calls through to stuff that comes into them and we gave them guidance on that. We gave them frequently asked questions; we gave them scripts for call centres; and we tested all those materials with the public. I was amazed—I didn't even notice it was this many—that we produced over 160 individual resources in lots of different formats for electoral registration officers to use. It ranged from the stuff they use a lot and that will go out to lots of electors—the envelopes, letters and so on—right through to stuff that is very specifically aimed at people with accessibility or disability issues or letters that you would send in particular sets of circumstances. So that bit of our work has grown. It changed anyway because of the Act, particularly in terms of performance standards, but with the introduction of individual registration what we did with our guidance and materials changed significantly then too.

Q585 Mark Durkan: Would the guidance be more thorough now?

Alex Robertson: I would not say it was not thorough before but we have had a much more root-and-branch look at how it can be practical and helpful, and we had much more engagement with the community that will use it before we settled it.

Jenny Watson: The other thing I should have said in relation to Mr Flynn's question and didn't—you have reminded me with this question so you won't mind if I add it—is that we also, through our guidance, encourage returning officers to publish the results of elections as soon as they possibly can. The kind of information that is available to people around the results of elections I know is an area that the Committee has heard some previous evidence about. Is there anything more we should say about that?

Phil Thompson: Picking up on some of the previous evidence about local election results and how easily available they are for people who want to see a national picture, it is true to say that, at the minute, there is no national collation of local election results where you can go online, for instance on the BBC, and see a very detailed set of results for whichever person you are interested in. But the local election centre at the University of Plymouth is now going to be putting their very significant back catalogue—back to 1973 and in some cases beyond—of local election results online in an accessible way for anyone who wants to access very detailed information on the number of candidates' votes, who was elected and all that kind of thing. They are hoping to make some of that available for the general election next year.

Q586 Mark Durkan: I hope that interests a lot of people. Given that DWP records will be used to confirm registered voters through your process of data matching, could those records also be used to identify eligible voters who are not currently registered?

Jenny Watson: I think there is a wider question than only DWP records. One of the things that I mentioned in my opening remarks is how, when individual electoral registration is running in steady state, it might be possible to use either or both transactions with Government in different ways to encourage people to register, and a wider range of records to identify people who are not on the register and invite them to register. We evaluated some pilots of that. Remind me which year.

Phil Thompson: The Cabinet Office has run two pilot schemes on the very issue of whether they can use other data sources to find people who are not registered, and the EROs can then use that information to write to them. I think the first one was in 2011 and the second was in 2013. They

used DWP data, DVLA, the Student Loans Company and education databases. We evaluated both the schemes and our conclusions were that while there is definitely potential in that as an idea, there were a number of problems with it. The two most significant problems were, first, that in order to have electoral registers held locally matched with a central national database and information provided to the EROs, there needs to be some sort of central co-ordination of that process that works efficiently in terms of passing information round. Secondly, the registers and the databases do not always talk to each other as effectively as they might, so there is quite a lot of manual work in getting useful results out of the process.

Our conclusion from the last set of pilots was that effort and attention should be focused on delivering the core elements of IER within the next 12 months—that was back in July 2013—but that the idea of data mining still had potential. Indeed, the IT that has been developed to help IER function might well help in providing that central co-ordinating body. There is a further pilot planned by the Cabinet Office. That will take place, I think, at the start of next year, or at least that is the intention. That will probably look at DVLA data and to what extent it can be used to help EROs.

Q587 Mark Durkan: On a minor regional detail, or maybe not so: when we say about DWP and all the rest of it, has everything been put in place to make sure that absolutely carries through in respect of the Social Security Agency in Northern Ireland and also the Northern Ireland Housing Executive in respect of its role in administering housing benefits? Sometimes in the past those gaps have been left. People have just assumed that all the legal tie-ups and consequential were being done but they weren't.

Phil Thompson: The two pilots that have taken place already did not cover Northern Ireland in any way. They were all Great Britain authorities.

Q588 Mark Durkan: But in terms of the future planning and of where records can be used?

Jenny Watson: Yes. When we talk about things for the future, when it is running in steady state, there has obviously been a lot to learn from Northern Ireland in the way that the particular system of individual electoral registration is implemented there. But equally there will be things that can be learned in terms of the types of records that could be used to invite people to join the register that would be just as relevant.

Q589 Mark Durkan: Yes, because you have got into the sort of circular position of saying that you will be encouraging the chief electoral officer in Northern Ireland to follow what is done in England.

Jenny Watson: Yes, and that is on our radar screen.

Mark Durkan: The old Muppets' song "I am my own grandpa".

Jenny Watson: When I say, for example, looking at transactions with Government and how that can encourage people to register to vote—it is the easiest thing in the world to say but it is much more difficult to do—clearly we are thinking about the breadth of the UK.

Mark Durkan: That is okay. Back to the hard cop.

Q590 Mr Chope: Can I ask you to bring us up to date with what is happening in Tower Hamlets, please?

Jenny Watson: That is an extraordinarily broad question. I can, and before I do so I am going to be very mindful of the fact that there is a poll taking place today because there was a countermanded poll due to the death of a candidate and there is also an election petition.

I am sure you will have seen that on Tuesday we published our report into the count in Tower Hamlets and we came to the conclusion that there were two main factors that led to that being delayed. The first was that there were delays in admitting to the venue both the count staff and indeed those entitled to attend the count. That lost around two and a half hours at the beginning of the process and delayed verification. Then there were not enough count staff to either retrieve that situation or indeed to manage the number of ballot papers to be verified and counted within the timetable that the returning officer had originally set. That meant that a local authority count that had been planned to take six hours in fact took 23 and a half hours, which is obviously a considerable difference.

We made a number of recommendations, many of which have been put in place for the count today. We will have observers at polling stations today and at the count. We have also said that the returning officer needs to publish his plan for the count for the general election in December of this year so that can be subject to good scrutiny. Clearly the venue needs to be large enough to hold the number of people that want to come. There are also lessons for the police to learn in terms of enabling people to leave and join the count freely if they are entitled to be there. We will also be publishing before recess our statutory post-election report. I referred to that earlier on. That will contain some detail of some of the other matters that have arisen in relation to Tower Hamlets. I am also aware that the police have received a number of complaints. They are investigating those complaints and they will obviously take that to its logical conclusion, which may include criminal prosecutions.

Q591 Mr Chope: Thank you. Tom Hawthorn has been very helpful in facilitating the visit that David Morris and I are going to make this evening in the by-election, but some of the preliminary paperwork suggests that although it is a by-election in only one ward, it may take four hours. We get general election results in constituencies in significantly less than four hours. Does that imply that the recommendations you have made are not being acted upon, or is it a very pessimistic forecast that it is going to take four hours to count one little election ward?

Jenny Watson: I think I am right in saying—we will correct it if I am not—that there are 21 candidates standing in that particular ward. In our report on the count we were able to compare the counts process in Tower Hamlets with the counts in Newham, Hackney and Lewisham, which also had European elections, local elections and a mayoral election, and one of the things that was distinctive about Tower Hamlets is that it had very many more closer wards. I think Newham has not a single opposition councillor and some quite substantial majorities for those local councillors. In Tower Hamlets, some of the results were very close and there were a number of recounts. That is clearly part of the planning process and needs to be taken into account. I would suggest that that probably means the returning officer has possibly taken into account the fact that this might be a close ward.

Q592 Mr Chope: The polls close at 10 pm. The ballot boxes then go to the place where they are going to be counted and are then verified. At what stage would you expect everything to be ready for that process to begin?

Jenny Watson: You would want the counting agents appointed by the council to try to be there as soon as they could. You would clearly want the ballot boxes to be there as soon as they could be. You would want verification to be conducted very carefully to be sure that everybody has confidence in that process, and then you would expect the count to proceed slowly. I don't think I can put a time limit on it. If the returning officer has given that as his figure of time, we will have to wait and see how long that does take.

Q593 Mr Chope: You would not normally at a count expect to wait for counting agents who are late arriving before you start the count.

Jenny Watson: One of things that the returning officer put in place in relation to the count in Tower Hamlets—I think we covered this in our report—was that in the circumstances in which he found himself running that election, he wanted to be sure that he could deliver maximum transparency. One of the reasons for the delay was that it took a long time for count staff and counting agents to get into the venue, and he wanted to make sure that people were there and able to scrutinise, for example, seals being opened on ballot boxes. In his judgment, and it is for him to make that judgment, that was one of the things in terms of transparency that was going to help to rebuild confidence in elections in Tower Hamlets. We have published a number of reports around elections in Tower Hamlets and the report that we published in the autumn of last year did make clear that those elections were being conducted in a difficult political context where trust between parties had broken down. That is not something that we can repair. We can talk about the mechanics of the process.

You might be interested to know that, ahead of the general election, we plan to do some more work on counts and how a good count is run. I hope that will help to inform the experience you will have on election night in 2015.

Q594 Mr Chope: Will you have somebody there tonight in a sense helping the ERO?

Jenny Watson: We have observers tonight. The returning officer has sought advice from another long-standing returning officer, so he is getting his own advice. This was the first time he had been a returning officer. We will have observers there at polling stations throughout the day from open to close of poll and throughout the count.

Q595 Chris Ruane: I will say to the Committee that I am eternally grateful to Mohammed Mehmet, the chief executive officer of Denbighshire, and Gareth Evans, the ERO for Denbighshire, for taking the registration up from 47,000 electors to 57,000 electors over the past few years. They have done this through data matching, door-to-door canvassing and, most importantly, through a strongly-worded electoral registration form. In the middle of the form you will see there that there is a warning: a £1,000 fine if you fail to return it by a specific date. We just show copies there. On the recommended IER form by the Electoral Commission, there is nothing on the first page. On the second page at the bottom in small print is a warning about an £80 fine. Electoral Commission, is this mandatory? Will this deny electoral registration officers the opportunity to put prominent warnings on the front of your new form to encourage maximum registration? The ERO in Denbighshire said this was one of the main ways that they did it.

Jenny Watson: I know we have written to you about this in the past. Certainly the nudge effect around such a warning has been part of it but I think your ERO has suggested that the data matching has probably been the larger part. We tested that form thoroughly on voters. Alex may want to say a little more about that. That form does have to be used as prescribed. There is also a

household form that will continue to be used. You will know that the difference in terms of individual electoral registration is that this is now a civil penalty. It is possible now it is a civil penalty that it may start to be more widely used as an incentive by electoral registration officers. Do you want to say anything more about the testing?

Alex Robertson: We tested all of the forms and letters we produce, some of which are statutory, with the public over the course of the last year, all with the explicit intention of trying to gauge the extent to which we would get the public to respond to the letters and forms in the right way. The fines are mentioned in the letter as well, and in the form to an extent. It is all about if you receive that communication, that letter or that form, does it get you to do the thing that it is asking you to do? We spent a lot of time looking at that and got independent research looking at it and we made some changes to the forms and letters as a result of that. That is how we ended up with the forms that we have at the moment.

Q596 Chris Ruane: The Chairman has kindly allowed me a few minutes to go over a few issues that have not been picked up or to relook at some.

Jenny, you said that 22 local authorities do not pass priority 3—that is the door-to-door knocking, door-to-door canvassing—which is breaking the law. Since 2008, 95 out of 383 EROs have broken the law on this. It did go from 55 down to eight before the last election. It has now gone back up to 22%. Some of these EROs have broken the law for five years on the trot. Has the Electoral Commission tolerated law breaking, or even, dare I say, encouraged law breaking, by their inaction? Should the Electoral Commission have considered a judicial review against EROs that break the law? Only now, six years after, is the Electoral Commission taking this to Ministers for ministerial action. Should these actions not have been taken the first time these EROs broke the law?

Jenny Watson: It is not 22%; it is 6%. It is 22 local authorities.

Chris Ruane: Sorry, 22 local authorities

Jenny Watson: As I explained earlier, we have taken steps to bring people into compliance. Had the transition to IER not been funded in the way that it is, I think we would have sought a direction. If we need to seek a direction from the Minister, then we will do that. I certainly do not think that we are tolerating law breaking, and I think that having been named and shamed for not having complied with the law has pushed people into compliance.

Q597 Chris Ruane: It has gone up from eight EROs to 22 EROs that have broken the law. Has that pushed people up or pushed EROs down?

Jenny Watson: Figures do fluctuate. That is true, the figures do fluctuate. There sometimes are circumstances. You will be aware, I think, there is one particular local authority where they had the death of an electoral services manager and plans were destroyed by that. What we try to do is bring people into compliance and make sure that they know what their responsibilities are. I would argue—

Q598 Chris Ruane: Have you been successful in that?

Jenny Watson: I would argue that we have been broadly successful around that. There are 22 local authorities that have not done it. They will be doing it for IER. If they are not doing it, we will seek a direction to make them do it.

Q599 Chris Ruane: Five years on the trot: is that acceptable?

Jenny Watson: The figures change and local authorities do sometimes fall out of compliance. When they do we name the fact that they do and almost always they come back into compliance again, so I would argue that that has been successful. There are 22 that we have named that have not. We have explained what they have told us about why they have not. They are in no doubt about what they need to do. We have checked their plans; they have committed to do it; and we are monitoring them. We are monitoring all of them but particularly those and if we need to seek a direction, we will do it.

Alex Robertson: Chris, what you are talking about is a challenge that every regulator faces in terms of how much they help and support; how much they use a carrot and how much they use a stick. What we have been doing through making it very public when people have not met the standard, putting pressure on them to change, is part of an overall approach to how we get electoral registration officers to improve what they do. As we have talked about several times during the session, when we go back to what we did with electoral registration officers to prepare for individual registration—the approach that we took; developing the guidance with them; getting their plans from them in October; at that point finding out that one quarter were not up to scratch and six months later finding that all of them were—that change is part of an overall approach to how to engage electoral registration officers, which I think is working.

Q600 Chris Ruane: Have the EROs that broke the law five years on the trot listened to your guidance?

Jenny Watson: Yes. I just said to you that in the transition to IER they have made it quite clear that those 22 local authorities have plans to conduct house-to-house inquiries. They are required to do that. If we see any evidence that they are not doing that we will seek a direction from the Minister. I could not be clearer than that.

Q601 Chris Ruane: Do you have the power to take them to judicial review?

Jenny Watson: I think a direction from the Minister would be a much more straightforward—

Chris Ruane: Do you have the power?

Jenny Watson: I am sure we could think about whether we could judicially review but I am genuinely not sure whether public money spent by one public body reviewing the actions of another public body through a judicial review is necessarily the best outcome when a ministerial direction could deliver that outcome if it were required.

Q602 Chris Ruane: Do you need extra powers of enforcement? Have you applied for them? Should we recommend them?

Jenny Watson: I think we had a discussion earlier about special measures and I am conscious that that is something you are thinking about, and it is a regime that other regulators do have. I think if we did want to go there, as I said it would be important for us to understand what you thought the purpose of that would be.

In terms of what could happen now to make registration particularly more straightforward would not be more powers for us. It would be to think about how the technology that supports individual

electoral registration could be used to deliver benefits for voters in the longer term through making it easier for them to register to vote and to be prompted more often to register to vote. At the moment if you want to find out if you are registered to vote you have to check with your own individual electoral registration officer. We can make it easy for you to find out who that person is and how to do that, but it would be very difficult to see transactions with Government being able to make it easier for voters unless there was a better integrated system. Nobody is suggesting a central database, but I don't think a better integrated system is about powers for us. I think that is about making it easier for voters to engage.

Q603 Chris Ruane: So 25% of the EROs have broken the law over the past six years and got away with it. In the data matching dry run in the run-up to IER, EROs were requested by you to conduct local data matching within local government databases to augment the data matches that have been conducted by central government, by DWP. Only 137 of the 383 EROs contacted you and said, "Yes, we have done this local data matching." Is this further evidence of EROs' disregard for the Electoral Commission's instructions and should the Electoral Commission not have been more forceful in their instructions to those EROs?

Phil Thompson: I think we have said in answer to some parliamentary questions on this that there was the dry run confirmation that matched all the electoral registers against the DWP database and gave everyone their match results from that process. 139 EROs then undertook some form of local data matching and reported the results to us. There may have been other EROs that did some work locally to test that process and see what it would look like who did not report to us. They were not required to report that element of it to us.

We did survey EROs at the same time to ask them about what they considered to be the role of local data matching. A very high percentage—I think 80% to 90%—said that they thought it was an extremely important part of the process. We would expect many more than 139 to undertake local data matching following the confirmation live run, which is now happening, and again we will be gathering that data. We will be chasing EROs to provide us with the data this time and publishing it, making it public. We would expect many more than 139 to undertake it this time.

Q604 Chris Ruane: The purpose of a dry run is to spot the glitches, to make the system perfect for the live run. Wasn't a golden opportunity missed here?

Phil Thompson: The other thing I should have said was that the dry run confirmation and all the work that went on around that was an opportunity for EROs to see that local data matching was a useful thing to do, and for us to publish results saying that some people added 10% or 15% to their matched results through doing that local data matching. At the time it may have been that some EROs did not have the technology or the skills to do that work cost-effectively. In the intervening time they have been able to talk to their electoral management software providers, who can provide some additional software that makes that process more straightforward, and talk to other people within their local authority about accessing other software, other skills, that are elsewhere in the local authority. In some cases this was carried out by IT teams within the local authority, and not by the electoral services teams themselves, because the capacity and skills of those teams vary quite a lot across the country. So there is also the additional point that what happened last year was a flag to people that it is a good thing to be doing and that they can develop their plans from then to now. That is another reason why we expect more people to be doing it this year.

Q605 Chris Ruane: It is a good thing to be doing but two-thirds of them did not want to or could not do it.

Phil Thompson: Only 139 reported to us that they had done it. As I said, I don't think that was the total number that—

Q606 Chris Ruane: Is this indicative of the lax kind of relationship between the Electoral Commission and EROs that they can get away with this for year after year after year?

Jenny Watson: I don't accept that at all. Phil has explained to you very clearly what the process was designed to test, and on top of that there was an opportunity to look at the impact that local data matching had. One of the things we are looking at with our performance standards as we go into the transition to IER is the use of local information. Another is whether there are local awareness plans in place. We will be looking at both of those and reporting on performance on those. People have seen the benefits of doing the local data analysis because they can see that it enables them to confirm more people on to the new register. As Phil said, one of the things we have been able to do through the course of the year is to move people from the situation where they did not have the skills and capacity into a position where they now have the skills and capacity, and they can do that work and deliver for voters. The important thing is that they can deliver that in the transition to IER as it runs live, not that they were able to deliver it during a confirmation dry run, which was a test process. What is important is that they can do it now it is live to make sure that maximum numbers of people are appropriately reported on to the new register. That was what our work programme was designed to achieve and it has succeeded.

Q607 Mr Chope: What is your assessment of the performance of the current electoral commissioners?

Jenny Watson: Commissioners? My board?

Chris Ruane: Are you doing your job?

Jenny Watson: I wasn't quite prepared for that question. I am not sure whether you mean in a formal sense or as a group.

Mr Chope: Who assesses the electoral commissioners?

Chris Ruane: Who guards the guards?

Jenny Watson: I see.

Mr Chope: If you do not assess them, who does?

Jenny Watson: Thank you. I am now clear about that. I have a process that is agreed by the Speaker's Committee, which is that every year I have a one-to-one conversation with each of my commissioners about how things have been over the year; what are we doing well collectively; how are we behaving individually; and do they have any feedback for me. When people are reappointed or considered for reappointment, I provide that information to Mr Speaker, and that is shared with members of the Speaker's Committee, and indeed I suspect that Mr Allen and Ms Crouch will have seen that information.

In terms of my own reappointment, that was considered by the Speaker's Committee and they set up a process to get evidence from outside on my own performance before they decided that I should be reappointed. So there is a process in place and obviously also as a board we regularly review how we think we are doing. There is a proper public body governance process in place. I think you will know that it is for the Speaker's Committee to appoint electoral commissioners. It is

not my appointment. It is the Speaker's Committee appointment and members of the Speaker's Committee are fully involved in that process.

Q608 Mr Chope: I think it is strictly speaking for Her Majesty.

Jenny Watson: Indeed, but for them to recommend to appoint. Thank you.

Chair: Just for the record, Jenny, although I get invited to the Speaker's Committee on this, I have attempted to resign consistently—from my first meeting—because in a sense I feel it is a conflict of interest if I am effectively to scrutinise you. I think it is not appropriate for me to be in a position where I am appointing the commissioners or overseeing your accounts and so on.

Q609 Chris Ruane: When you responded to Fabian before, Jenny, you said on the issue of the public perception of fraud that roughly 30% of people were concerned about that. You did not give the other research that the Electoral Commission has—it has been circulated to us in answer to a question that I put down and is also in the briefing pack for this Committee—that 78% of the public feel that electoral registration is safe and 11% feel it is unsafe. I think that, in the interests of balance, that needs to be put before the Committee and on the record. There is this public concern out there and you now propose some changes to the handling of postal votes by political parties to cut back on postal vote fraud and also voter ID to cut back on electoral registration fraud. Can I ask you, Jenny, how many successful prosecutions for postal vote fraud have there have been since 2010?

Jenny Watson: I don't know why—

Chris Ruane: One.

Jenny Watson: Can I answer the question?

Chris Ruane: Yes.

Jenny Watson: I know the comparison that you want to draw is between postal votes as they are now, and therefore the stability of the system, and I would agree with you to the extent that we would not propose abolishing postal voting as it is currently constituted. As I think you know, we did look at that in our report on electoral integrity. We looked at whether it should be taken back to the previous system. We also looked at whether it should be suspended in particular local authorities or particular areas of local authorities. Voters told us very clearly that they value the convenience of postal voting, and indeed we do think that the additional security checks that are in place, together with the introduction of IER, make that a lot more secure.

I think the comparison is not with postal voting as it currently; it is with postal voting as it previously was, which led to a number of serious and high-profile prosecutions with custodial sentences and a number of election petitions. In our view, to leave in-person voting, as vulnerable as it will be once the registration is secure, is not the correct balance.

You also mentioned our proposals to tighten up our code of conduct for party campaigners. We know that when electoral fraud takes place, it is not committed by voters; it is committed by still a relatively small number of campaigners. The reason that we think that political parties should no longer handle completed postal vote packs or completed postal ballot applications with the security information that the returning officer uses to see if a vote will go through to the count is that it is an intrusion too far into the process of voting. Giving out postal vote application forms is very welcome. We are talking to the parliamentary parties panel to see what might be needed to enable this to work, for example with a freepost envelope or with the offer that a member of the electoral services team will come and pick it up if somebody can't get out to deliver it. Political parties have

an important role to play in door-to-door activity and engaging with voters, but handling completed postal ballot packs, taking completed postal voting packs or handling completed postal vote application forms is not appropriate.

Q610 Chris Ruane: Can I ask you how many successful prosecutions for electoral registration fraud there have been since 2008?

Jenny Watson: I know the answer you are going to give me and I am telling you that it is not the appropriate comparison. I will also point out that there have been election petitions since 2008. The appropriate comparison is not with postal votes as they are now. It is with postal votes as they were previously. Anybody that remembers the damage that was done to our electoral system by the electoral petitions in places like Birmingham and Slough and by the prosecutions in Birmingham, Bradford and Slough must be aware that we cannot leave in-person voting as vulnerable as it currently could be.

Q611 Chris Ruane: The answer is one. Why are these changes requiring photo ID and limiting political parties' involvement with postal vote application forms being proposed now in the middle of the introduction of IER? IER will massively improve the security of the vote. Would it not have made more sense to introduce IER, let it bed in, have a look at the security, see if there were issues, and then look at the issue of the handling of postal votes and foot-voter ID? Would it not have made more sense for the energy, commitment, finance and funding of the Electoral Commission to be totally focused on the successful introduction of IER and not be dissipated with photo ID and postal ballots?

Jenny Watson: I can assure you that we are very focused on the successful introduction of IER. When we publish our statutory report on the elections, I think you can expect us to have something to say about the way in which the current code of conduct and the behaviour of parties in the collection of postal votes and postal vote application forms has operated at these last elections. In our view, it is not appropriate to leave vulnerabilities around campaigner behaviour unaddressed if they could lead to an undermining of confidence in the electoral system. I do not think it is the right judgment—and I know you do not agree with it—to leave looking at in-person voting until we see there is a problem with it. We need to act before there is a problem with it, because if 30% of people now think that there is a perception of fraud—that does damage on its own—how much greater will that be if we find ourselves in four or five years' time, just starting to look at something when we have the evidence from postal voting as it previously was to know that it may well be a problem? That is not an appropriate judgment to make.

Q612 Chris Ruane: There have been two successful prosecutions for postal ballot fraud and electoral registration fraud since—2008 and 2010—but 30% of the people are concerned about this. How much does this come down to the media going on about electoral registration and postal ballot fraud, the politicians going on about it and, dare I say, the Electoral Commission itself going on about it? Could the Electoral Commission, by their actions, be spreading the concern about electoral registration fraud?

Jenny Watson: I think that is a very fair question and it is something that we thought a great deal about before we started to talk about interpreting it in the way that we have. Again, in our judgment—and I know you do not agree with this—to point out that there are only 16 local authority areas in the country where there are any kinds of widespread allegations enables two things to happen. It enables returning officers and EROs in those areas to know that more is expected of them. They need to go way beyond our basic performance standards and be providing much more focused scrutiny in those areas. It also enables them to send out a very strong message

to voters in those constituencies to keep their votes safe and to be aware of what the law says around that. We thought very carefully about that before we started to put those messages into the public domain and I think it has worked.

I just simply do not agree with you that the comparison is with the postal voting system as it is now. It will be the third time I have said it and it is probably proving very tedious for everybody else. I think we have to look at this. I do not accept that we are being in any way cavalier in the way that we talk about it. It is an important issue. It has the potential to undermine the integrity of the system and it is right that we and electoral registration officers and returning officers take steps to address it.

Q613 Chair: Probably what we need to do if there are further questions from colleagues is to let me or the Clerk have those and we will send them through to Jenny. I know she will respond as speedily as she can. I think we were talking about the Commission coming back in the autumn to have another session, so there will be a pick-up there. We have already agreed a number of interactions before the rising of the House in order to give Members a proper opportunity to be reached by you and interact with you before the House rises. This is an ongoing process. Can I just underline again, though, that it is essential if we are to reduce the number of people who are not registered and to increase the level of voter participation and engagement that we work together effectively? I think we already work together very effectively but there is always room for this side of the House and the other side of the table to do even better and that is what we intend to do.

Jenny Watson: Thank you very much.

Q614 Chair: Jenny, Alex and Phil, thank you for a very in-depth response to the questions that we have put to you this morning—always informative—and we look forward to seeing you again.

Jenny Watson: Thank you. We are looking forward to seeing you in September and we will follow up a couple of issues with letters. Thank you.

Chair: Excellent. Colleagues, thank you also for a good session this morning. Thank you so much.