



# Select Committee on the Electoral Registration and Administration Act 2013

## Corrected oral evidence: Electoral Registration and Administration Act 2013

Tuesday 29 October 2019

4.35 pm

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

Evidence Session No. 6

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Questions 73 - 82

### Witnesses

I: Dr Alistair Clark, Reader in Politics, Newcastle University; Professor Toby James, Head of Politics, University of East Anglia.

## Examination of witnesses

Dr Alistair Clark and Professor Toby James.

**Q73 The Chair:** Welcome, gentlemen. You have listened to the previous exchange, so you know much of what is coming. The first job for me is formally to welcome you to this evidence session of the Select Committee. You have in front of you a list of interests declared by Members of the Committee. The meeting is being broadcast live on the parliamentary website, and a transcript of the meeting will be taken and published on the Committee website. You will have the opportunity to make corrections to that transcript where necessary.

As you were here for the previous evidence session, you will be aware that I started on the basis that we are in an interesting time. We keep watching what is going on in the Commons, on the television set in the corner. I raised the possibility of amendments to the Bill on votes at 16 and European electors and, indeed, the problems we heard about with the electoral register being published on 1 December and an election coming a few days afterwards, and the problem with poll cards and so on. From the academic viewpoint, have you gentlemen anything to say on the issues that the people at the coalface have been telling us about?

**Dr Alistair Clark:** It is very far from ideal to be dealing with issues of the franchise immediately before an election. Indeed, electoral best practice would suggest not changing the franchise anything up to six months beforehand. A report on an election fiasco in Scotland back in 2007, the Gould report, set that very much as good practice, and it has been adopted by the devolved institutions as how to go forward. Doing this in the run-up to a general election, in the few weeks beforehand, is very far from ideal.

One figure might give us some pause in relation to EU voters. I have with me some figures, for accuracy and completeness, which the Electoral Commission released a month or so ago. The figure for EU nationals, as regards the completeness of the electoral register, is 54%, so a lot of work would need to be done to register EU nationals, before we even get to the issue of 16 to 17 year-olds. With 16 to 17 year-olds, in Scotland, the franchise legislation was passed nine months in advance of the independence referendum, which adopted that. It is very difficult to see it being a smooth process, shall we say, if it goes forward.

**Professor Toby James:** I thank the Committee for the invitation. We are here to talk about electoral registration after individual electoral registration, but it is worth thinking about the context and where we are now. The context is that local authorities, as colleagues explained earlier, are over budget and face financial pressures; and we have estimated that £9.3 million people are missing from the electoral register, or incorrectly registered on the electoral register. With a potential December election, when there are already a number of pressures on the system, there will be major strain. That is something we have been talking about in our research for some time. This would substantially add to those pressures.

What is important is that the electoral administrators are listened to. At the same time, the possibility of 16 and 17 year-olds and EU citizens having the right to vote in a general election is obviously a major moment. It is a major change in the historical development of the United Kingdom, but we have to be clear that, if it was to happen in a short timeframe, it would introduce considerable risks to the integrity of the election.

**Lord Campbell-Savours:** You are counselling against it, but you are not saying it is impossible.

**Professor Toby James:** I am saying that there are trade-offs.

**Lord Campbell-Savours:** But you are not saying it is impossible, are you?

**Professor Toby James:** The administrators have to be listened to extremely carefully. The possibilities are that half of the European citizens are on the electoral register already, albeit the other register. The level of completeness for 16 and 17 year-olds is much lower. They should be there as attainers. There is due process already for them to register their vote and to be checked against the electoral register. There is a major trade-off with legislation.

To go back to the 2016 Brexit referendum, the registration website crashed on the night, so emergency legislation was brought in to extend the deadline so that people could register to vote. That put enormous pressure on local authorities, with the personal side of workplace pressures and so on. The referendum was delivered, but there were cracks and small problems. Even if there are small problems at one or two polling stations, there is always the risk that the media amplifies them to question the integrity of the election.

**Lord Campbell-Savours:** Without getting into the politics, there are many young people who want to vote in what they regard perhaps as the most important election in their lives.

**Professor Toby James:** It is.

**Lord Campbell-Savours:** And that is another consideration.

**Professor Toby James:** Absolutely.

**Lord Campbell-Savours:** Are you saying that it is impossible as well, Dr Clark, or are you saying that it is possible but you do not want it?

**Dr Alistair Clark:** I am not saying that I do not want it, in the slightest. My written evidence talks about getting EU citizens properly registered. The word is risk, and the ability to do this in as complete a fashion as possible, while having tolerance for the almost inevitable headlines that will follow about it being incomplete, people not being properly registered, and people potentially turning up at polling stations, keen to

vote, as you have just suggested, but who have not been properly registered.

**Lord Campbell-Savours:** I am pressing you on it because you are being televised and what you say is relevant.

**Dr Alistair Clark:** I am, I know.

**Lord Campbell-Savours:** What I am saying to you is that you are not saying it is not possible.

**Dr Alistair Clark:** I am not saying it is not possible. I am saying that there are difficulties with doing so, and the extent to which authorities are prepared to accept risk in this area will be the key factor.

**The Chair:** Do you have any evidence at all about some authorities being good at registration, and others perhaps not so good? If either of these franchises were to be brought in, could there be a situation where, in some constituencies, there is a much higher level of registration than in others where they are perhaps not up to scratch? I do not know. Is that a possibility?

**Dr Alistair Clark:** I think there will be variation around the country. What came across in the last session, certainly, and I am sure in your previous evidence sessions, is how small registration teams are. In dealing with a major change such as this in such a short time span, the well-resourced ones will be able to cope better than the less well-resourced ones. That is simply how it would be.

**Professor Toby James:** There is opportunity for major pooling of resources. Electoral registration is devolved to each local returning officer, but there are associations, such as the Association of Electoral Administrators and the Electoral Commission, that can provide a way to extend capacity. There should be no doubt that it would require major government investment in making extra resources available to local authorities to make it happen.

Q74 **The Chair:** The academic coalface is different from that of the previous panellists, so perhaps we will come to the agenda that we thought we had.

How do think the new individual registration differs from the old household registration? Has it achieved the goals of modernising the registration process and reducing opportunities for fraud?

**Professor Toby James:** I ran an evaluation of the Act, or at least the introduction of individual electoral registration as part of it, and identified a number of effects. One is that it closed loopholes for fraud. In a survey of electoral administrators, such as the good colleagues who were here earlier, 70% were clear that it had closed many of those possibilities. It tended to improve the accuracy of the electoral register, so those are very positive things.

There were negative effects on completeness, especially in London areas and among young people. There were negative effects on the workforce as well and some major effects in terms of the costs involved in compiling the electoral register. Some estimates that we did from a study would probably put at a figure of around £17.5 million per year the additional costs involved across all local authorities. The Committee has already seen evidence from the Cabinet Office about how it resourced those additional costs over a number of years, but cost pressures were left as a result.

**Dr Alistair Clark:** Logically, it makes sense. The vote is individual and, therefore, it makes sense for people to be individually registered. In that sense, it has been a positive improvement. We heard from colleagues previously, and I think it is true, that because voters have now to provide identifiers when they apply to vote, there is a degree of certainty about who people are who are applying to register that there was not beforehand. The system has certainly brought that up to date.

It is difficult to know what effect it has possibly had on fraud or allegations of fraud. Some figures from the Electoral Commission suggest that there were more allegations of fraud before the Act was brought in; anything from about 18% to 28% of allegations in a given year were down to registration fraud. From the Act being introduced in 2014, that reduced to between 8% and 15%, but interestingly it has started to tick up again. It is difficult to know whether the Act was responsible, or what is responsible.

What have not changed, essentially, are allegations about voting fraud—double voting or postal voting issues, and those kinds of things. Presumably, electoral registration would feed through into enabling some of that stuff. At the moment, it is difficult to tell whether or not the Act has actually had a knock-on effect on people seeing things to make allegations about in the first place, but some of those numbers have crept up in relation to voting fraud. The main issue in electoral fraud tends to be with campaigning rather than registration or voting fraud.

**The Chair:** That is very helpful; thank you.

Q75 **Baroness Pidding:** What impact has the introduction of individual electoral registration had on efforts to identify and reach underregistered groups?

**Professor Toby James:** One effect has been on gatekeepers. The role of gatekeepers under household registration was very important. Vice-chancellors of universities could automatically register all their students, and someone in charge of a care home could automatically register everybody who was there. The move to an individual process has the effect of requiring outreach activity to reach every single person within a community.

Among the biggest gatekeepers, of course, are parents and family members. Something that comes through a lot in the research is that

parents registering their 16 or 17 year-olds, which right now could be very important, cannot do that under this system; the responsibility to do so is individual.

As we have all been hearing, local authorities were severely hit on the finance and funding for the process. The research shows that, over the last five years or so, local authorities have been less likely to undertake outreach activities, because they have to focus on the core activities of processing registrations and making sure the forms are getting back. The capacity of electoral officials has been reduced, which has had an effect, too.

**Dr Alistair Clark:** I think that is correct. The only thing I would add is that we do not actually know what works in getting underregistered groups to register to begin with. In that sense, we need to undertake more research into what might work, whether that be through various randomised controlled trials or those kinds of things. There are various groups, and things may work for some that do not work for others, so a degree of tailoring of some those appeals may be necessary. The difficulty is that it will probably end up being costly, and then there is a cost-benefit analysis to do into whether it is thought to be worth doing. It is not just about getting people registered; it is about getting them to turn out and vote as well.

Q76 **Baroness Mallalieu:** We have heard that, so far, online registration has been very positive, but that it has produced some resource difficulties and burdens, particularly dealing with duplicates and so on. Have you any suggestions as to how those burdens could be eased and what improvements could be made to the online registration system?

**Dr Alistair Clark:** It has most certainly made the whole system seem more modern, but to some degree that is the front page; behind the scenes it still clearly creaks a bit. Applications need to be sent to local authorities, where they are checked and so on, so perhaps we need some streamlining of the process. We have heard, and most people would agree, that we need some form of being able to check whether or not people are registered. One or two local authorities are trialling something of that sort, and I have a sense that Hackney is one of them; it is trialling an attempt to allow people to check whether or not they are registered. That kind of thing could be scaled up.

Another quite simple thing that could be done is that whenever calls to register go out people could be reminded that, if they are already registered, they do not need to apply again. It is not often done, particularly in broadcast or media messages; it may be done on the website, but it is not done in other places. Some of this is probably longer term, but to my mind it would be a fairly short-term win, if that message could be got across.

**Professor Toby James:** I agree wholeheartedly. From our joint research on the Brexit referendum, we know that 37% of local authorities reported very severe problems with duplicates. That is going to happen again. We

are used to being able to go online and look at our mobile phone record, logging in and seeing the state of our bill, and looking at when things are going to be renewed. It is the 21st century, so that should be provided to citizens.

**Lord Janvrin:** Would a national register make a look-up facility easier or harder to introduce? You say that Hackney is trialling one. Is there scope for that?

**Dr Alistair Clark:** I think there is, but there is a back-office difficulty. Not every local authority uses the same software for its electoral management of the register, so there would need to be some way of making sure that the different softwares could talk to one another, so that something more combined could be put together. That would be the first step. I can tell you what electoral registration officers would say: "Yes, but somebody needs to fund that as well".

Undoubtedly, that would help. The question is then where such a register is kept, and whether it should be kept by the Executive, by some arm's-length body such as the Electoral Commission or even, in some way or another, by local authorities.

**Professor Toby James:** The case for a single electoral register is extremely strong. We have a patchwork system for historical reasons. It used to be Poor Law overseers who compiled local registers, then it was passed on to electoral registration officers in times when knocking on the door was the best way to get the information. In 2019, a single register rather than 370-odd makes a lot more sense.

**The Chair:** Is there not an issue? If I can look up to see if I am on the register, you can look up to see if I am on the register. We have two registers anyway—the one that is open to all and the one that is somewhat restricted because people do not want their privacy exposed. How do you cope with that?

**Dr Alistair Clark:** It is certainly difficult, and I do not know the answer. That is one of the things that would need trialling, undoubtedly. It is bound to be able to be done, but, unfortunately, I am not a computer programmer who is able to explain how it might be done.

**Professor Toby James:** It is about individual ownership of records. We are used to having individual ownership of our phone contracts, and we have a national insurance number. It is about having a single identifier for each individual so that they can maintain their record. It may be more cost-efficient as well.

Q77 **Lord Janvrin:** I think you have covered part of my question on resources. How bad is the situation? You mentioned £17.5 million a year. Tell me what that figure was for again.

**Professor Toby James:** That is my estimate of the additional cost from IER. To explain that a bit more, along with colleagues, we produced a cost of elections report, which involved comparing electoral budgets and

expenditure in every year. The difference in the expenditure from 2010-11 up to 2015-16, which were both general election years, was proportionate to that figure, so that gives an estimate that is roughly in line with and corroborates what the Cabinet Office says.

**Lord Janvrin:** Is there more that can be done to ease that burden? We have talked about look-up facilities and ideas like that, and technical solutions. Are there other things that could be done?

**Professor Toby James:** Transparency about financial information would be a major step forward. It is currently under a statutory instrument, which specifies how much each returning officer can claim for an election, but what is not put forward is how much they then claim and for what purposes. There have been intermittent reports for particular electoral contests.

**Lord Janvrin:** It is transparency about costs.

**Professor Toby James:** Yes. It is not just that we like to do research on this, but we will—the information is there; it also helps to share and learn best practice. For example, how much should a returning officer be paid at an election? How much do they take as payment for themselves, or do they use that payment as Christmas bonuses for the staff who do all the hard work? A sense of clear transparency could make a major difference to identifying best practice.

**Lord Janvrin:** Dr Clark, by all means answer that question, but before you start could you explain what you think the review you called for should cover, possibly following up those points?

**Dr Alistair Clark:** That was what I was going to do, fortunately. One thing that probably shocked both of us when we did it was our research into the Brexit referendum for the Electoral Commission. We found that 43% of counting officers did not have enough resources to do the work they needed to do to maintain their local electoral register.

What Toby said about transparency is absolutely right, but he was talking mainly about the running of elections rather than the funding of electoral registration. As we heard in the previous session, that cannot be claimed back from the Cabinet Office. We do not have transparency about any of that, certainly not that I have seen. There is a bit of data kicking around on the conduct of elections, but not on transparency.

I did some research under the previous system of household registration to see if increased spending improved the delivery of elections. It did. Clearly, funding matters. It comes back to a question that Baroness Pidding asked in the previous session. It is about possibly doing things differently, as well as just saying, "Let's have more money".

What I had in mind was a ground-up review, starting with basic assumptions on electoral registration. For instance, is it right that local authorities have to fund all this work? It seems to me that there is a lot of work going on in relation to government policy that costs local

authorities quite a bit of money, and they are having to react mainly to things in the last few years, such as referendums, short-term snap elections, new policies and so on. The first thing is that we should question the assumptions about who should be funding that.

I am no accountant, sadly, but we need a zero-based accounting process or review, starting from the ground up, questioning whether some of the money could be better spent on other things. For example, clearly, when people looked at canvass reform, they decided that some of the money might be better spent in doing canvass reform differently. That kind of financial review might reveal practices that might be done differently. A lot of what goes on at the moment are legacy issues: "The law says this. We have done it this way for a long time; therefore, this is how we should do it". Maybe we need to go back to basics and start from the ground up.

Let us be realistic: that is not going to happen under present circumstances, with a snap election potentially on the way, but in a quieter period it will be necessary and urgent. Who would do it? The Electoral Commission is probably the body to lead it, because it already has powers to look into spending on elections and electoral registration. It would be the natural home for such a review. I am sure that academics would be happy to help.

**Professor Toby James:** Currently, electoral registration officers and returning officers are exempt from freedom of information, so when we did our research project and asked about budgets, although many kindly agreed to take part, there was no formal statutory requirement to do so.

Q78 **Lord Campbell-Savours:** You have commented already on electoral fraud. Is there anything you want to add? You talked about the dip and then the slight rise, and you gave an explanation. Is there anything you want to add to that?

**Dr Alistair Clark:** Not particularly. The only thing I would add is based on research that we did on polling station staff both in the 2015 general election and in the 2018 and 2019 local elections. The biggest problem in polling stations is not electoral fraud or personation; it is to do with the register.

**Lord Campbell-Savours:** Yes, you said that in your brief.

**Dr Alistair Clark:** Indeed, and I reiterate it. It leads into discussions about voter ID and so on, and whether that is the correct priority. Fraud in polling stations is a lesser issue.

**Lord Campbell-Savours:** Can I ask about voter ID? In Europe, what happens when people vote? Do they produce their national identity card?

**Dr Alistair Clark:** It depends on the jurisdiction. In some places, yes.

**Lord Campbell-Savours:** Have you done any work on that?

**Dr Alistair Clark:** Personally, no.

**Lord Campbell-Savours:** Has anyone done any work on it?

**Professor Toby James:** I have seen some work. I cannot give the figures off the top of my head, but I can certainly submit them as further evidence. It tends to be the case that, yes, voter ID requirements are common. Obviously, in many jurisdictions a national form of ID is readily provided to citizens.

**Lord Campbell-Savours:** Would you be prepared to do some work for us on that, and perhaps do a trawl among European countries to see to what extent they use national identity cards, which are available in most states?

**Professor Toby James:** I should be very happy to do that.

**Lord Campbell-Savours:** Have you heard of Andy Erlam? He is the chap who took on Tower Hamlets, and of course he is on the front line as a difficulty. I want to ask you about some questions he is asking of me, and about some of his recommendations. He says that the Electoral Commission, which you referred to, should provide a national single point of contact for all reports of voter fraud. It should also introduce a public interface so that it is more actively engaged in the election process, and consideration should be given as to whether to give the commission a power or duty itself to prosecute cases, if there is voter fraud. Do either of you have a view on that?

**Dr Alistair Clark:** I have no objections whatever to a central point.

**Lord Campbell-Savours:** And your colleague?

**Professor Toby James:** I would distinguish two things. One is where someone wants to raise a legal case. The case of the person you are talking about would clearly be that the system is not fit for purpose. Such a case requires an individual to take on huge financial risk, and some centralised state system would be hugely beneficial.

There is a second stream, which is where someone does not want to start a legal case, but perhaps their experience as an individual citizen at a polling station was not quite up to scratch. In that case, there should be a separate system and a single button on the Electoral Commission website, where someone can register that as a problem, and we can get a sense of proportion, of how regularly these problems occur, and whether they are in particular areas.

**Lord Campbell-Savours:** Can I put another one to you? He says that all returning officers should be subject to the Freedom of Information Act and designated as public bodies in law. How about that one?

**Professor Toby James:** I agree, and that is one of the recommendations in our evidence.

**Lord Campbell-Savours:** The third point he makes is that further consideration should be given to making returning officers entirely independent of local authorities, and local authority electoral services departments should be relocated, say, within the Electoral Commission. That is quite a radical one. How does that go down? It would transfer quite a lot of responsibility. You conceded it slightly, a little before, in your evidence.

**Dr Alistair Clark:** Quite how that would work I do not know. Can I come back to one thing you asked in your first round of questions, about enforcement? That would require quite a radical change to what the Electoral Commission can do on enforcement. At the moment, it can fine only up to £20,000, or £10,000 for a devolved election. If I heard you rightly, I think you were describing criminal charges as well. That is a big ask for a body such as the Electoral Commission.

**Lord Campbell-Savours:** At the moment.

**Dr Alistair Clark:** At the moment, sure. At the commission they are on record as saying that they want more enforcement powers, but they are not on record as saying that they want criminal enforcement powers. Whether those next door would want to legislate to give the Electoral Commission those powers, I am not so sure.

**Lord Campbell-Savours:** Right. But you will do the work for us, will you, on the question of ID cards in Europe? Thank you very much.

Q79 **Baroness Suttie:** Could you tell us more about your assessment of the government proposals to reform the annual canvass? In particular, could you say a little about the pros and cons of giving electoral administrators greater access to data sources?

**Professor Toby James:** I wholeheartedly support the Government's proposals. There is a large amount of consensus around the idea of moving to, in effect, automatic reregistration for citizens where other data sources confirm that they have not moved on. It makes a lot of sense simply to roll them forward and not waste resources and time asking them to reregister every year, when they have perhaps lived in a property for 20, 30 or 40 years.

There is a separate debate about whether we go further and move to a system, at some point, of entirely automatic registration—for example, using other data sources to add people to the electoral register. That is not part of the government proposals. I was recently asked by the Joseph Rowntree Reform Trust to do some work on that, because it raises various issues about privacy, data protection, cybersecurity and so on. I would be happy to provide that report in due course. I think it will be published before the completion of the Committee's evidence.

**Baroness Suttie:** What do you imagine would be the main sources of data for that?

**Professor Toby James:** There is a huge range. Experian, for example, already sucks up all those data sources, including the electoral register, and compiles what is almost a national electoral register already. That allows it to have a position whereby it can see how people have different records in different places. Council tax records are already in use, but there are other public utilities and private sector sources of information. That is a big shift, and it would be a major change.

We could go some way towards it, with what are sometimes called facilitators—automatic registration whereby, when you update your car tax or driving licence, you are prompted with the question, “Do you want to register to vote at this moment in time?” That has been running in the US for a very long time and is often a main source of electoral registration information. More can be done, but as they stand, the Government’s proposals have a lot of support from the community. They would save money and they are a very positive development.

**Dr Alistair Clark:** Can I go on to the pros and cons of data matching? I agree with everything Toby has just said, but it is apparent when you talk to electoral administrators that some of them are doing quite a lot of work on data mining and matching and so on, because their local authority has the capacity to do that. It is equally apparent that others are not, so it seems that there is variation across local authorities in their ability to undertake some of the analysis work. Data matching has great potential, but, on the downside, there needs to be greater capacity across the board for it to be entirely successful.

There are one or two other things that we need to look out for. It depends on the databases being used. The DWP database may be fantastic, but some local authority databases that are being used may not be so robust. It depends very much on the quality of the data being used.

The final thing is that we should be careful of equating electoral registration with council tax. I have in mind what happened with the poll tax in that regard. When the poll tax was introduced, lots of people dropped off the electoral register for the simple reason that they did not want to be taxed. People are wary about the database state to some degree anyhow, and if that took hold at a wider level there might be some potential for it to blow up as an issue that electoral registration officers were tabbing us with council tax. That may be worth thinking about.

**Baroness Suttie:** If you went down the route of private data sources that you were talking about, is there not a risk that that would result in even greater exclusion for particular sections of society?

**Dr Alistair Clark:** Sure, and there would probably be a cost to it as well.

**Professor Toby James:** Yes, you would be using it as supplementary information. It would depend on what data sources were used. These are things to be considered. As the Government’s proposals stand, I think there has been a lot of support for them.

Q80 **The Chair:** Before Lord Campbell-Savours asked you to tackle the world, there was the other issue about the pilots in the UK. Do they give you any insight into the benefits and problems of voter ID? Do you think it is a priority?

**Dr Alistair Clark:** I do not think either of us thinks it is a priority, and we have argued that it is not. There are other priorities, such as the consolidation of electoral law, which is widely perceived to be a mess. Voter ID is a distraction rather than a priority. That is how I would present it. There are other things that could be done.

**Professor Toby James:** We have a paper coming out in due course where we can say more about the voter ID pilots, and we will share that with the Committee as soon as we can.

**The Chair:** That is coming out while we are doing this inquiry—well, we have no idea how long we are going to be here. You think you can let us have that.

**Professor Toby James:** Absolutely. We can say more about it then.

Q81 **Lord Dykes:** On the overall question of efficient and well-run electoral administration, are there particular things that we may have not discussed so far that you would like to see introduced, which would improve effective electoral administration?

**Dr Alistair Clark:** The main thing in the recent three or four years has been the stress that electoral administrators have been under. We have said this already, but it is worth repeating because it is often forgotten how small electoral services teams are. I met one in a local council a couple of weeks ago; there were three people, and only two of them were able to meet me. The Association of Electoral Administrators has been very public about the fact that it offers counselling for staff. Care may be the wrong word, but it is worth thinking about the resource and staffing implications of all the things that electoral administrators are being asked to do.

In American electoral administration a few years ago, there was a discussion about it being almost critical national infrastructure. That is an alternative way of thinking about what we are asking them to do. They are the foundation of our democracy, and their ability to register people and then deliver elections is absolutely foundational for representational democracy.

**Professor Toby James:** With colleagues, we did workforce surveys of electoral management teams around the world, and the UK has the highest levels of stress of all of those. It is a major UK problem, and it partly comes from the context of the Act and from the financial resources.

A lot of the research that Alistair and I have done has been based around the introduction of poll worker surveys or asking people on the ground about their experience in polling stations. It is often possible to have

incident logs, where poll workers note any errors or particular problems that they have. In our research, we cover as many authorities as we can, but if you were able to ask at each polling station how many people were unable to vote, for example, or about the other types of problems that occurred, and made that a formal requirement, as it is in some jurisdictions, you would have a solid evidence base to answer questions such as how frequent fraud is and how many people are really turned away. There are often a lot of anecdotes and media exaggeration, which does not help form best practice. It would put electoral administration in good stead for evidence-based policy in future.

**Dr Alistair Clark:** When I was talking about priorities, I mentioned the consolidation of electoral law. Consolidation may be the wrong word; transparency and understanding of electoral law may be a better way of putting it. It is a priority that that feeds down to polling stations, because some of our research found that there was confusion among people manning polling stations about what electoral law actually said. That is problematic, particularly, for instance, in a snap election with an unsure franchise. Further down the road, we can see that ending up in the newspapers and in the headlines, because people are unsure and this has added further uncertainty. Greater transparency or consolidation around election law is crucial. It is not a short-term project, but it is vital.

**Lord Dykes:** In the meantime, do you find that the habits, histories and procedures for elections in the different devolved areas cause extra problems in having the ideal IER system?

**Dr Alistair Clark:** Not so much. The devolved institutions are slightly different, in that the histories are slightly different. For example, Scotland in 2007 had a fairly big difficulty in the Scottish Parliament election, with lots of rejected ballots, which led to the setting up of something called the Electoral Management Board for Scotland, with responsibility for Scottish local elections. There is a Bill before the Scottish Parliament at the moment for extending those powers further.

The board has played quite a good role in co-ordinating election professionals north of the border, both in delivering elections and in registration. The research I have done on the performance of electoral administrators shows the consequence: Scottish electoral administration tends to perform above the level of electoral administration across the rest of Great Britain. I would be less worried about how the devolved institutions, or certainly those delivering elections in the devolved settings, are actually doing so.

There is a question about divergence of franchises. Scotland, obviously, has 16 and 17 year-olds with a vote for local and Scottish Parliament elections. There is a Bill before the Scottish Parliament at the moment to extend the franchise to everyone legally resident in Scotland. There is divergence coming along, now that devolved institutions have powers in that area, but at the moment I do not see difficulties in terms of their ability to deliver.

**Professor Toby James:** I agree. The Law Commission identified the volume and complexity of electoral law as a major problem, and our research feeds into that. Devolution in some ways contributed to the problem; there is a greater number of elections, with different electoral rules. But, as Alistair says, the Electoral Management Board in Scotland has had a very positive effect in bringing the community together, which has reinforced electoral integrity as much as anything else.

Q82 **The Chair:** As I indicated to other colleagues, our job is post-legislative scrutiny. Is this Bill fit for purpose and what change would you have? You will both have a big shopping list, but what is at the top?

**Professor Toby James:** I think you know our shopping list.

**The Chair:** Are there 21 or 22 items on it?

**Professor Toby James:** There are 21. This is from the All-Party Parliamentary Group on Democratic Participation, which has a range of reforms to pick up on what we should do now that the Act has settled in. The one that has not had a lot of coverage—apart from today—is the complaints procedure. To go back to earlier in the year, a long time ago, EU citizens were unable to vote and there was a lot of misinformation going on. There was the 3 million claim—that lots of people were unable to vote, and electoral registration officers and officials were saying that it was just one or two. That proposal would help us get to the bottom of where the problems are and would not cost a lot of money.

**Dr Alistair Clark:** I would agree with all of that, but I would say something different. Section 23 of the Act is to do with the repeal of powers to organise or permit a co-ordinated online record of electors. The repeal of that has probably delayed, stymied—whatever the word is—the development of any online checking system. Repeal of the repeal may be a useful thing to think about.

**The Chair:** Thank you very much indeed. This is hot from the other coalface: amendments on votes at 16 and votes for EU nationals are not set to be put to the vote. There we are. It simplifies things, if that is the position. Whether it is right is a different matter, of course.

Thank you very much for coming along. We are very grateful to you for coming; and, indeed, we have expectations of the world, following the invitation from Lord Campbell-Savours.