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Joint Committee on Human
Rights

Legislative Scrutiny: Elections Bill

Fifth Report of Session 2021–22

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Joint Committee on Human Rights

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Summary

Elections must be both secure and accessible. Whilst the reduction of electoral fraud is a laudable aim, measures to do so must not at the same time reduce the accessibility of elections. Article 3, Protocol 1 of the European Convention on Human Rights (ECHR), as incorporated into domestic law by the Human Rights Act 1998, places an obligation on states to hold free elections at regular intervals under Article 3, Protocol 1. Any discrimination in the enjoyment of the right to vote would fall foul of Article 14 ECHR if there was no objective and reasonable justification for the measures imposed. Introducing a voter ID requirement would be a breach of Article 14 as read with Article 3 of Protocol 1 unless it is both necessary and proportionate.

The Government is seeking to increase security of elections by requiring voters to produce a form of photographic identification at the polling station. The aim is to reduce the instance and opportunity for personation - that is, when a person pretends to be another registered voter by giving a false name and address to the polling clerk. Reported instances of personation at polling stations are rare, although the nature of the fraud can make it difficult to uncover.

Under the Government's proposals, where registered electors do not have an acceptable form of photo ID, they will be able to apply for a free voter card. We acknowledge that the Government's list of acceptable forms of photographic identification has been drawn widely, for example by including certain forms of travel card and out of date identification documents. It is estimated that 96 per cent of registered voters have an acceptable form of identification. However, this leaves 4 per cent of registered voters, 2.1 million people, with the choice of applying for the voter card or losing the ability to vote at the polling station.

Whilst similar proportions of different ethnic groups already have acceptable forms of voter identification, not all groups are as likely to apply for a voter identification card. We heard that where there may be some existing distrust in government amongst people from some groups, particularly some black people, adding another layer of conditionality will create an additional impediment for a group that is already hesitant about fully engaging in the democratic process. The Government should produce clear and detailed plans ascertaining if there is hesitancy amongst Black, Asian and minority ethnic backgrounds who may not engage with the electoral process if they are required to show photo ID at polling stations. The Government should also make clear why it has determined that a photographic identification requirement at polling stations is necessary and proportionate given the low reported cases of fraud at polling stations and the potential for the requirement to discriminate against certain groups.

Only individuals who are registered to vote will be eligible to apply for a voter card. There are existing gaps in voter registration, with younger people less likely to be registered to vote than older people, Black people and Asian people less likely to be registered to vote than White people, those who rent less likely to be registered than those who own their home, and those living in cities less likely to be registered than those who live in suburban or country areas. The government must make efforts to end these registration gaps.

They could do this by automatic registration which is made possible by the many data sets held by government agencies, national and local government. Whilst the current system relies on individuals registering themselves, under automatic voter registration, individuals would be directly registered using existing public data sources, such as Council Tax records.

1 Introduction

1. Elections need to be both secure and accessible. It is also vitally important that voters have confidence in the electoral process and the legitimacy of election results. In June 2021, research conducted by the Electoral Commission found that public confidence in elections is at an all-time high.¹ The research found that 87% of people thought that voting in general is safe from fraud and abuse (up from 80% in 2020). This is a testament to the UK's democratic process and the hard work of those involved in participating in and running our elections.

2. Despite the high confidence in elections, in recent years there has been an increasing focus on the potential for fraud at polling stations. In 2014 the Electoral Commission called for changes to be made to improve the security of elections, which included introducing a requirement for voters to show photographic ID at polling stations (voter ID),² although at time of writing, the Electoral Commission have not stated whether they support the current government proposal.³ This recommendation was reiterated by Lord Pickles, who was then the Prime Minister's Anti-Corruption Champion, in his 2016 report *Securing the ballot: review of electoral fraud*.⁴ Following Lord Pickles' report the Government asked the Electoral Commission to conduct a number of voter ID pilots. The pilots took place in five local authority areas in the 2018 local elections and ten areas in the 2019 local elections.

3. In its 2019 General Election manifesto, the Conservative party made a commitment to introduce voter ID at polling stations:

“We will protect the integrity of our democracy, by introducing identification to vote at polling stations, stopping postal vote harvesting and measures to prevent any foreign interference in elections.”

4. The commitment was included in the 2019 and 2021 Queen's speeches, the most recent of which stated the Government planned to introduce an “Electoral Integrity Bill” that would include, amongst other measures, a requirement to show ID at polling stations.

The Elections Bill

5. The Elections Bill was introduced to the House of Commons on 5 July 2021. This report is timed to inform the second reading and Committee stages of the Bill in the House of Commons. The Bill covers a number of distinct issues in electoral administration. Including, limiting the handling of postal votes by political campaigners (whilst still ensuring family members and carers can assist those who may not be able to deliver their postal vote), and improving the provision of equipment at polling stations for disabled and blind individuals.⁵

1 Electoral Commission, [Public confidence in elections at highest level for 10 years](#), 22 June 2021.

2 Electoral Commission, [Electoral fraud in the UK Final report and recommendations](#), January 2014, p3

3 Bob Posner, Chief Executive of the Electoral Commission, told us that the Commission would only support a voter ID requirement if it improves security, maintains complete accessibility to the system and is a workable, practical system. [Q10](#) [Bob Posner].

4 Cabinet Office, [Securing the ballot: Report of Sir Eric Pickles' report into electoral fraud](#), August 2016,

5 [Elections Bill](#) [Bill 138 (2021–2022)]

6. This report, however, focuses on the new requirement for individuals to show photographic identification (the “voter ID requirement”) at UK Parliamentary elections in Great Britain, local elections in England, and Police and Crime Commissioner elections in England and Wales.⁶ The forms of photographic ID that would be acceptable for this purpose under the Bill include:

- a) a UK passport,
- b) a passport issued by an European Economic Area state or a Commonwealth country,
- c) an identity card bearing the Proof of Age Standards Scheme hologram (PASS card),
- d) concessionary travel passes such as an Oyster 60+ card,
- e) parking permits issued to disabled individuals as part of the ‘Blue Badge’ scheme, and
- f) national identity cards issued by an EEA state.

7. The Bill also provides for a newly introduced “electoral identity document” (referred to in the Explanatory Notes accompanying the Bill and from herein as a “Voter Card”) to be an acceptable form of photo ID. The Voter Card will be administered by local authorities. An individual will be entitled to apply for the card provided they are registered to vote. The Bill would: require no charge to be made for the issue of the document, amend the Representation of the People Act 1983 to give the Secretary of State the power to make Regulations setting out details about the Voter Card scheme, and require those regulations to specify that a person’s full name and a photograph must be included on the Voter Card. The Bill also provides that regulations may be made to require that other information should be included on the card.

Human rights

8. The UK has ratified the European Convention on Human Rights (the Convention). This means the UK has accepted legal obligations to guarantee the rights set out in the Convention to individuals within its jurisdiction. The Human Rights Act 1998 incorporated the Convention rights into UK law, making it unlawful for any public authority to act incompatibly with a Convention right.

Article 3 of Protocol 1: right to free elections

9. The Convention places an obligation on states to hold free elections at regular intervals. Article 3 of Protocol 1 to the Convention provides:

“The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.”

10. Although Article 3 of Protocol 1 is framed in terms of obligations on States, the European Court of Human Rights (ECtHR) has held that it also implies individual rights, including the right to vote and to stand for election.⁷ The ECtHR has clarified that the rights bestowed by Article 3 of Protocol 1 are not absolute.⁸ The margin of appreciation afforded to States in this area is wide given the diversity of culture and political thought within Europe.⁹ However, the ECtHR has also noted that any measure that interferes with the rights in Article 3 of Protocol 1 must not curtail those rights to such an extent as to impair their very essence and deprive them of their effectiveness, must pursue a legitimate aim, and must not be disproportionate.¹⁰

11. The Government has stated that the introduction of voter ID is justified to secure the integrity of elections. This is clearly a legitimate aim, but any measures must be proportionate to the scale of the problem and not interfere with the right to vote so as to render the right to vote ineffective. Requiring voters to show identification at polling stations is capable of being proportionate provided, for example, that the types of documentation required are not too difficult to obtain (e.g. not prohibitively expensive; or require documents that are available only to some people) or are not introduced so suddenly that they could disenfranchise groups who were not aware of the need to obtain documentation (e.g. if there was not enough awareness-raising done so that people could adapt to the changes and know to apply for and bring ID).

Article 14: the prohibition of discrimination

12. Article 14 of the ECHR sets out that human rights and freedoms “shall be secured without discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.” Consequently, any discrimination in the enjoyment of the right to vote would fall foul of Article 14 ECHR if there was no objective and reasonable justification for the measures imposed.

7 Mathieu-Mohin and Clerfayt v. Belgium, 1987, §§ 48–51; Ždanoka v. Latvia [GC], 2006, § 102.

8 Hirst v UK Application No. 74025/01, at 60.

9 Hirst v UK Application No. 74025/01, at 61.

10 Hirst v UK Application No. 74025/01, at 62.

2 Voter ID

13. This report considers the implications of introducing a Voter ID requirement. We start by outlining the scale of voter fraud in the UK, before moving on to consider the impact a voter ID requirement may have on voters generally and whether any groups would be particularly impacted. We then assess the details of the Voter Card scheme, which will be available free of charge to any individual who is registered to vote and wishes to apply.

The scale of voter fraud in the UK

14. At present, voters in England, Scotland and Wales do not need to provide any form of identification at polling stations to vote. Polling station staff ask the voter to confirm their name and address. If this corresponds with the entry on the electoral register, the voter must be issued with a ballot paper. This contrasts with the situation in Northern Ireland, where voters are required to show photographic ID at polling stations. Voter identification was first introduced in Northern Ireland by the Elections (Northern Ireland) Act 1985. In recent years both the Electoral Commission and Lord Pickles, in his role as Anti-Corruption Champion, identified fraud at polling stations as a vulnerability in the electoral process. The most common form of fraud at the polling station is personation, that is where an individual votes pretending to be someone else. Bob Posner, Chief Executive of the Electoral Commission, told us there are limited protections in place to prevent personation as “there is not much in the way of checks at polling stations about who turns up and votes.”¹¹ He also highlighted that fraud at polling stations “is very difficult to pin down”, presumably because of the limited scope of questions that can be asked by polling staff.

15. Despite these vulnerabilities the number of specific accusations of voter fraud at polling stations are low, and very few of those accusations result in cautions and convictions. The table below shows the number of accusations and cautions for voter fraud since 2014:¹²

Table 1: Reported instances of voter fraud at polling stations since 2014

	Allegations	Outcomes	
		Conviction	Cautions
2014	21		3
2015	26		2
2016	44	1	3
2017	28	1	0
2018	19	0	0
2019	33	1	1
2020	0	0	0

Source: *Voter ID*, Research Briefing [9187](#), House of Commons Library, July 2021

11 [Q9](#) [Bob Posner]

12 House of Commons Library, *Voter ID* (May 2021). the caution figure for 2014 and the allegation figures for 2018 and 2019 are for all voting offences, which groups together personation at the polling station and by postal vote, voting more than once and voting while disqualified.

16. Dr Jessica Garland, Deputy Director of the Electoral Reform Society, explained to us that the number of allegations may be low because personation is not an effective way to change an election result:

“To change an election result by personation would require a huge operation, identifying which constituencies would be marginal enough to make a difference. That is difficult for political scientists, let alone anyone else. On top of that, a lot of people would have to be involved. You would have to know who was not going to vote in order for that not to be detected, and presumably the candidate would have to be aware. We are talking about a large-scale operation. It is implausible that it could be going on undetected.”¹³

17. Bob Posner from the Electoral Commission told us he was cautious that the available figures may underestimate the scale of voter fraud at polling stations. He noted:

“When we look at it, we all agree that the incidence of cases of proven personation at polling stations is low. That is a great thing and very reassuring, but it is also an identity crime about which it is difficult to find evidence. I am not suggesting that there is a high incidence of it happening and of its being established, but we cannot say with confidence that there are not higher levels of personation than the statistics on cases brought by the police actually show. We can know only so much about that.”¹⁴

The potential impact of introducing a voter ID requirement

How many people do not have photographic ID?

18. A survey of 8,500 adults who were eligible to vote in England, Scotland and Wales commissioned by the Cabinet Office in March 2021 showed that 98% of people held some form of Photo ID (including ID that had expired or where the photo was no longer recognisable). This decreased to 96% when respondents were asked if they had photo ID with a photo that they thought was recognisable, and 91% when asked if they had photo ID that was both in-date and recognisable.¹⁵ The Equality Impact Assessment accompanying the Elections Bill states that “expired photographic identification will be accepted as long as the photograph is of a good enough likeness to allow polling station staff to confirm the identity of the holder”.¹⁶ If Cabinet Office data, which shows that 4% of eligible adults do not have ID that is recognisable or in date, is correct, this would mean that 2.1 million people may not have suitable photo ID to vote.¹⁷

13 [Q1](#) [Dr Jessica Garland]

14 [Q9](#) [Bob Posner]

15 Cabinet Office, [Photographic ID Research - Headline Findings](#), March 2021, p 5

16 Cabinet Office, [The Elections Bill: Equality Impact Assessment](#), July 2021, para 28

17 [“More than 2m voters may lack photo ID required under new UK Bill”](#), The Guardian, 11 May 2021.

Potential discriminatory impact

19. In 2018 the Equality and Human Rights Commission (the EHRC) wrote to the Cabinet Office expressing their concerns that the voter ID requirement being piloted in five local authority areas as part of the 2018 local elections would “have a disproportionate impact on voters with [certain] protected characteristics, particularly older people, transgender people, people with disabilities and/or those from ethnic minority communities.”¹⁸

20. The Cabinet Office research showed that older individuals,¹⁹ people with disabilities,²⁰ unemployed people,²¹ and those without qualifications were less likely to hold photo ID than other groups, though differences were in many cases very small.²² Therefore, introducing voter ID is likely to have a greater impact on individuals falling within those groups than other groups. The research also found that there was little difference between the likelihood that those with different ethnicities hold photographic ID (98% of white people compared to 99% of those within ethnic minority groups),²³ and “there was no statistically distinguishable difference in photographic ID ownership by sex, religion or sexuality”. The Government has deemed a wide range of photo ID acceptable, including some that are available free of charge such as concessionary travel passes. This is welcome, especially given evidence that individuals from Black, Asian and minority ethnic groups are less likely to hold certain forms of ID such as driving licenses.²⁴ Despite the positive statistics in respect of the uptake of this wider range of types of photographic ID it is still important to understand whether, within the groups of individuals who do not have photo ID, there will be higher barriers for individuals with certain protected characteristics to obtain photo ID or a Voter Card.

The Government’s Equality Impact Assessment

21. The Equality Impact Assessment accompanying the Bill relies heavily on the Cabinet Office survey to analyse the impact of voter ID provisions in the Elections Bill on those with a protected characteristic set out in the Equality Act 2010.²⁵ The Impact Assessment recognises that the introduction of a requirement to show photo ID at polling stations may have a greater impact on disabled and older individuals, given the figures showing they are less likely to possess photo ID. It also acknowledges that the survey did not reach a sufficiently large sample size of those who identify as White Gypsy or Irish Traveller to make reliable statistical estimates regarding the impact of photo ID requirements on that

18 Letter from Clare Collier, Senior Principal, Human Rights Team, Legal, to Rt Hon David Lidington CBE MP, Minister for the Cabinet Office, [regarding Voter ID pilots and the Public Sector Equality Duty](#), dated 11 April 2018

19 People aged 30–69 and 70+ (98%) were slightly less likely to hold photographic ID than those aged 18–29 (99%). Additionally, those aged 85+ were less likely to hold photo ID that was recognisable (91%) compared to younger age groups (95–98%).

20 Only 94% of individuals with a disability had recognisable photo ID compared to 97% of those with no disability.

21 Only 92% of unemployed people held any form of ID compared to 99% of unemployed people.

22 Only 94% of people without qualifications held any form of photo ID compared to 97–100% across qualification types.

23 Cabinet Office, [Photographic ID Research - Headline Findings](#), March 2021, p 5

24 As the Runnymede Trust noted in their evidence to the Joint Committee on Human Rights’ Black people, racism and human rights inquiry: “The government’s own data shows that white people are most likely to hold one form of photo ID—76% hold a full driving licence. But 38% of Asian people, nearly a third of people of mixed ethnicity (31%), and more than half of Black people (48%) do not.” Runnymede Trust ([RHR0011](#))

25 The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

community. To mitigate this the Impact Assessment states the Government will “continue to work closely with representative organisations in order to further understand how best to support these communities.”²⁶

22. The Equality Impact Assessment also does not consider whether the introduction of voter ID may dissuade individuals with certain protected characteristics from voting, even if they possess photo ID. The Cabinet Office research notes that 5% of those surveyed said they would be less likely to vote in person if voter ID was introduced, but this figure is not broken down further by protected characteristic. Lord Woolley of Woodford, the Founder and Director of Operation Black Vote, told us that he was “deeply afraid” that “if there is another layer of bureaucracy it will be another impediment for a group that is already hesitant about fully engaging in the democratic process”:

“Part of that mistrust is real. We have seen it with vaccinations. There is mistrust in the Government and mistrust in institutions. That has cost lives and made us all a little unsafe, so that hesitancy is extremely real.

There is another layer. Quite a few people in black, Asian and minority ethnic communities feel that a Government who do not have their best interests at heart may want to find a route for these ID cards as Big Brother to watch over them. That adds further to the distrust. For someone like me, that is heart-breaking, because my role for the past quarter of a century has been to encourage our communities to engage in democratic processes as never before.”²⁷

23. Following the local election voter ID pilots in 2019 the Electoral Commission also noted that in some of the trial wards there was a correlation between the proportion of the ward’s population from an Asian background and the number of people not issued with a ballot paper. The Commission noted that data “does not definitively suggest that Asian voters were disproportionately affected” by the requirement to show ID, but it did show “the importance of ensuring that the ID requirements are suitable for all and that any public awareness activities are genuinely effective across all communities.”²⁸

24. The introduction of a voter ID requirement may have a discriminatory impact on certain groups with protected characteristics who are less likely to hold any form of photo ID, including older people and people with disabilities. *The Government must make clear how it plans to mitigate any discriminatory impact on those groups.*

25. It is crucial that the Government understand the scale of hesitancy to engage with the democratic process that may exist in some communities if a requirement to show photo ID at polling stations is introduced. It is regrettable that neither the Cabinet Office research nor the Government’s Equality Impact Assessment consider whether a voter ID requirement would disproportionately dissuade members of certain communities from voting. *The Government should produce clear research to ascertain whether introducing a voter ID requirement would lead to hesitancy to vote amongst Black, Asian and minority ethnic communities, and if so, how they plan to tackle that hesitancy.*

26 We discuss the details of the Voter Card scheme and our concerns regarding its accessibility below.

27 [Q2](#) [Lord Woolley of Woodford]

28 Electoral Commission, [May 2019 voter identification](#), October 2019.

26. **It is concerning that the Government do not appear to fully understand the potential discriminatory impact of requiring voter ID on individuals who identify as White Gypsy or Irish Traveller. Efforts must be made to obtain this information and to provide it to Parliament by Committee stage to allow for effective scrutiny of the provisions in the Bill.**

Necessity of the measures

27. The introduction of a voter ID requirement has provoked a strong reaction from some academics and campaigners, who argue it is unnecessary given the small number of prosecutions for fraud at polling stations, and that it will disproportionately disenfranchise individuals from Black, Asian and minority ethnic communities, older people, disabled people, homeless people, and transgender individuals. In his evidence to us Lord Woolley of Woodford told us that introducing voter ID “could have a monstrous negative effect, which some have characterised as voter suppression.”²⁹

28. Preventing fraud and increasing public confidence in elections are legitimate aims. However, as Bob Posner told us there are other important considerations:

“Making a change in introducing voter ID has to improve security; it has to maintain complete accessibility to the system; and it has to be a workable, practical system.”³⁰

Bob Posner went on to tell us that the Electoral Commission were awaiting the Bill before they responded and reached a conclusion as to whether those three tests had been passed.

29. The Memorandum produced by the Cabinet Office relating to the human rights compatibility of the Bill concludes that the introduction of a Voter ID requirement “pursues a legitimate aim of reducing electoral fraud by personation at the polling station”³¹ and is a “proportionate way to address the legitimate aim being pursued” and, therefore, is “compatible with [Article 3 of Protocol 1 of the Convention].”³² The Memorandum acknowledges concerns that the measure may have a discriminatory effect on certain protected groups, specifically older people and people with disabilities who are less likely to have photographic ID, but states the Cabinet Office research shows the:

“[W]ide range of acceptable photographic identification means that a very high proportion of people of voting age would have at least one form of suitable identification and this is not significantly affected by some of the characteristics that have been suggested would lead to disenfranchisement under this policy.”³³

30. The Memorandum does not, however, appear to consider whether the potential discriminatory impact on disabled and older individuals is justified or proportionate, how that may be mitigated, and even whether the discriminatory impact is justified given the

29 [Q1](#) [Lord Woolley of Woodford]

30 [Q10](#) [Bob Posner]

31 Cabinet Office, [Elections Bill: ECHR Memorandum for the Bill as introduced in the House of Commons](#), July 2021, para 18.

32 Cabinet Office, [Elections Bill: ECHR Memorandum for the Bill as introduced in the House of Commons](#), July 2021, para 28.

33 Cabinet Office, [Elections Bill: ECHR Memorandum for the Bill as introduced in the House of Commons](#), July 2021, para 34.

small number of allegations of personation at elections. Moreover, the Memorandum does not consider whether the measures will have wider discriminatory impacts as discussed above, such as increasing hesitancy to engage in the democratic process, and how this affects the proportionality analysis.

31. It is imperative to ensure elections are secure against fraud and protect public confidence in the electoral process. However, any measure seeking to increase the security of elections must not make voting inaccessible or have a discriminatory impact. Any measure that has the potential to disproportionately impact certain groups of voters requires strong justification. *The Government must explain why they have concluded that a voter ID requirement at polling stations is necessary and proportionate given (i) the low number of reported cases of fraud at polling stations, (ii) the even lower number of convictions and cautions; (iii) the potential for the requirement to discriminate against certain groups; and (iv) the lack of any clear measures to combat potential discrimination faced by those groups, including disabled people and older people.*

The Voter Card

Details of the scheme

32. The Elections Bill introduces a provision which enables a person to apply for a free-of-charge “electoral identity document”, known as a Voter Card. The Voter Card would be available to registered voters in England and Wales and those registered to vote at Parliamentary elections in Great Britain. The Bill also provides the power to make regulations regarding the Voter Card scheme. The Bill specifies that any regulations must require the Voter Card to include a person’s full name and a photograph. The Bill also provides that regulations may make provision about:

- the form of application;
- any declarations to be made by an applicant;
- documents required to accompany an application;
- deadlines for applying for, or the issuing of, a Voter Card;
- the information to be included on the Voter Card;
- the form of the Voter Card; and
- the length of time for which a Voter Card can remain valid.

33. The regulations clarifying the details of the Voter Card application process have not been published. Without seeing the precise details of the scheme, it is difficult to assess whether the Voter Card will, as the Equality Impact Assessment claims, “be of particular benefit to those voters from groups with protected characteristics including age, race and disability.”³⁴ For example, it is not yet known if individuals would be able to apply for the cards online or not, if they would be posted out by local authorities, or attendance or physical forms would be required. The Cabinet Office memorandum relating to the

34 Cabinet Office, [The Elections Bill: Equality Impact Assessment](#), July 2021, para 29.

human rights compatibility of the Bill suggests that an individual will be required to provide an attested photograph with their application. Some individuals may struggle to acquire an attested photograph, and the requirement could make applying for a Voter Card unnecessarily difficult. It is important that the Voter Card scheme is accessible and as Dr Jessica Garland told us:

“There are cautions around the free elector card. It is not a silver bullet such that you can just go and pick up a free elector card if you do not have ID. When we look at the evidence from the States, most marginalised communities who need free ID struggle to get it. For instance, the issuing office is a long way from their home; they have to pay for transport to get to the issuing office; or the office is open only at hours when they are working ... A free elector card is not a simple or straightforward idea.”³⁵

34. It is difficult to assess at this stage whether the Voter Card scheme will mitigate the potentially discriminatory impacts of the requirement that voters show photo ID at polling stations. To enable effective scrutiny, the Government should produce the regulations containing the details of the Voter Card scheme before the Elections Bill reaches the Committee Stage in the House of Commons.

35. The Government must ensure that the Voter Card scheme is easily accessible for individuals who want one. The scheme should not entail prohibitive incidental costs or requirements that may affect take-up, such as a requirement to attend at the issuing office. The scheme needs to actually mitigate rather than exacerbate the potentially discriminatory impacts on groups with protected characteristics.

Ensuring voters apply for the Voter Card

36. The research commissioned by the Cabinet Office asked those surveyed if they would apply for a “Local Elector Card”. The research found “that a substantial proportion (42%) of respondents with no photo ID said that they were unlikely or very unlikely to apply.” As a result, the research concluded that efforts would need to be made to “understand potential barriers to applying”.³⁶

37. It is not clear the reasons those surveyed had for not applying, but Professor Toby James, Deputy Director at the Electoral Integrity Project, told us that it may take “extra effort” for individuals to apply.³⁷ Dr Jessica Garland told us that the results showed “the very group we are most concerned about being excluded from elections is the one that is highly unlikely to apply for that card, so that is really worrying.”³⁸

38. The Equality Impact Assessment accompanying the Elections Bill states the Electoral Commission will be responsible for delivering a comprehensive and targeted communications campaign to raise awareness for the changes to requirements at the polling station. However, the Impact Assessment does not give any detail about how the Government and Electoral Commission would ensure the highest possible take-up of the Voter Card.

35 [Q7](#) [Dr Jessica Garland]

36 Cabinet Office, [Photographic ID Research - Headline Findings](#), March 2021, p 8.

37 [Q7](#) [Professor Toby James]

38 [Q2](#) [Dr Jessica Garland]

39. High take-up of the Voter Card is essential to ensure those individuals who do not have photographic ID are not effectively disenfranchised. *The Government and Electoral Commission must produce detailed plans setting-out how they plan to encourage individuals who do not have photo ID to apply for a Voter Card. Data should be collected to analyse how successful those plans are at increasing take-up, and should be disaggregated to show any difference in take-up across certain groups.*

3 Voter registration

The voter registration system

40. A person is only entitled to vote if they are properly registered. There are rules setting out who can vote, and in the UK entitlement to register to vote is based on age, nationality and residence.³⁹ An individual is generally registered to vote where they are resident, but some groups of people, including those with no fixed address can be registered as “special category electors” provided they have a local connection with the area they wish to be registered. Individuals who wish to vote are responsible for registering to vote and can apply to vote online. The register of voters is maintained by officials known as Electoral Registration Officers (EROs), who are responsible for checking the details provided by an applicant and entering them on the register.

41. In his evidence, Phil Thompson, Head of Research at the Electoral Commission, told us that the Electoral Commission estimate as of December 2018 only 83% of people were correctly registered at their current address. He estimated this meant “somewhere in the region of **between 8.3 million and 9.4 million people** were not on the register at their current address”.⁴⁰ Although those people may have been registered elsewhere, he said this meant “they probably would not have been able to vote.”⁴¹ By this estimate a vast number of people are unable to exercise their right to vote either because they are not registered or because they are incorrectly registered.

Differences in registration levels across certain groups

42. In our 2020 Report, *Black People, racism and human rights*, we expressed serious concern that 25% of Black voters in Great Britain are not registered to vote compared to a 17% average across the population.⁴² In his evidence, Phil Thompson told us that similarly, only 76% of Asian people were registered to vote. There is also significant disparity across age groups, with only 55% of 18–24 year olds being correctly registered compared to 90% of people aged 70 and above.⁴³

Automatic voter registration

43. Automatic voter registration would be one way to close the gaps in voter registration that exist between younger and older people, and different ethnic minority groups. This would be a shift from the current system which relies on individuals registering themselves. Under automatic voter registration, individuals would be directly enrolled by public officials using existing public data sources, for example Council Tax records. In our 2020 report we recommended:

39 *Who can vote in UK elections?*, Research Briefing [CBP08985](#), House of Commons Library, March 2021, p 7

40 [Q12](#) [Phil Thompson]

41 [Q12](#) [Phil Thompson]

42 Joint Committee on Human Rights, Eleventh Report of Session 2019–21, *Black people, racism and human rights*, HC 559 / HL Paper 165, para 86

43 [Q12](#) [Phil Thompson]

“The Government must consult on the implementation of automatic voter registration as a means of increasing democratic participation among Black people and other ethnic minorities and reducing the registration gap between Black and white people.”⁴⁴

Automatic voter registration would also close the registration gap between younger and older people, Asian and White voters, those who rent and are homeowners, those who live in cities and those who live in suburban or country areas, and any other groups where a disparity exists.⁴⁵

44. In evidence to us, Lord Woolley said he “whole heartedly” agreed with automatic voter registration as it would “see many more people engage in the democratic process.”⁴⁶ Phil Thompson also told us:

“The [Electoral Commission] is very supportive of the idea of automatic registration, or at least more automated registration. We published some work that we carried out in 2019 to say that we thought that introducing automatic registration was completely realistic and feasible based on the infrastructure currently in place in the UK. We think it would have a real benefit in picking up people who currently find themselves not registered, maybe for incidental reasons, because they have moved house and it is not their top priority.”⁴⁷

45. In response to the 2020 report, the Government acknowledged the importance of increasing participation among Black people and other ethnic minorities and reducing the registration gap between Black and White people. However, they clarified that “there are no plans to consult” on the introduction of automatic voter registration as it “contradicts the principle that individuals are properly responsible for registering themselves and should not have it done for them, perhaps even without their knowledge”.⁴⁸

46. Only individuals who are registered to vote will be eligible to apply for a Voter Card. This means unregistered individuals without photo ID would have to both register to vote and apply for a Voter Card before they are eligible to vote. Automatic voter registration would reduce the administrative burdens on individuals that move regularly to register to vote and therefore to enjoy the right to vote, such as members of the GRT community who reside on sites and move around frequently as part of their way of life. There are clear risks that the cumulative administrative burdens on individuals risks effectively disenfranchising certain groups of people, including those that move address more frequently, and those who may find the administrative burden more difficult to engage with. Introducing automatic voter registration would remove a layer of bureaucracy for those individuals and would ensure all individuals who are eligible to vote are properly registered.

44 Joint Committee on Human Rights, Eleventh Report of Session 2019–21, [Black people, racism and human rights](#), HC 559 / HL Paper 165, para 90

45 Professor Toby James and Dr Paul Bernal, [Is it time for Automatic Voter Registration in the UK?](#) 2020, para 4.8.

46 [Q5](#) [Lord Woolley of Woodford]

47 [Q12](#) [Phil Thompson]

48 Joint Committee on Human Rights, Black people, racism and human rights: Government Response to the Committee’s Eleventh Report of Session 2019–21, [Fourth Special Report of Session 2019–21](#), HC 1210, p 14

47. **The Government should reconsider the introduction of automatic registration and run pilot schemes to evaluate how it would operate. A significant number of people who are entitled to vote are either not registered to vote or are incorrectly registered. Efforts must also be taken to reduce the registration gap between Black, Asian and minority ethnic voters and White voters, younger and older voters, and any other groups where a registration gap exists.**

48. **To mitigate any potential discriminatory impacts of a voter ID requirement, it is necessary to take a joined-up approach that both promotes and facilitates registration and ensures the highest possible take-up of the Voter Card amongst individuals who otherwise may not have photo ID. *The Government should consider amending the Elections Bill to make provision for automatic voter registration.***

Conclusions and recommendations

Voter ID

1. The introduction of a voter ID requirement may have a discriminatory impact on certain groups with protected characteristics who are less likely to hold any form of photo ID, including older people and people with disabilities. *The Government must make clear how it plans to mitigate any discriminatory impact on those groups.* (Paragraph 24)
2. It is crucial that the Government understand the scale of hesitancy to engage with the democratic process that may exist in some communities if a requirement to show photo ID at polling stations is introduced. It is regrettable that neither the Cabinet Office research nor the Government's Equality Impact Assessment consider whether a voter ID requirement would disproportionately dissuade members of certain communities from voting. *The Government should produce clear research to ascertain whether introducing a voter ID requirement would lead to hesitancy to vote amongst Black, Asian and minority ethnic communities, and if so, how they plan to tackle that hesitancy.* (Paragraph 25)
3. It is concerning that the Government do not appear to fully understand the potential discriminatory impact of requiring voter ID on individuals who identify as White Gypsy or Irish Traveller. Efforts must be made to obtain this information and to provide it to Parliament by Committee stage to allow for effective scrutiny of the provisions in the Bill. (Paragraph 26)
4. It is imperative to ensure elections are secure against fraud and protect public confidence in the electoral process. However, any measure seeking to increase the security of elections must not make voting inaccessible or have a discriminatory impact. Any measure that has the potential to disproportionately impact certain groups of voters requires strong justification. *The Government must explain why they have concluded that a voter ID requirement at polling stations is necessary and proportionate given (i) the low number of reported cases of fraud at polling stations, (ii) the even lower number of convictions and cautions; (iii) the potential for the requirement to discriminate against certain groups; and (iv) the lack of any clear measures to combat potential discrimination faced by those groups, including disabled people and older people.* (Paragraph 31)
5. It is difficult to assess at this stage whether the Voter Card scheme will mitigate the potentially discriminatory impacts of the requirement that voters show photo ID at polling stations. *To enable effective scrutiny, the Government should produce the regulations containing the details of the Voter Card scheme before the Elections Bill reaches the Committee Stage in the House of Commons.* (Paragraph 34)
6. *The Government must ensure that the Voter Card scheme is easily accessible for individuals who want one. The scheme should not entail prohibitive incidental costs or requirements that may affect take-up, such as a requirement to attend at the issuing office. The scheme needs to actually mitigate rather than exacerbate the potentially discriminatory impacts on groups with protected characteristics.* (Paragraph 35)

7. High take-up of the Voter Card is essential to ensure those individuals who do not have photographic ID are not effectively disenfranchised. *The Government and Electoral Commission must produce detailed plans setting-out how they plan to encourage individuals who do not have photo ID to apply for a Voter Card. Data should be collected to analyse how successful those plans are at increasing take-up, and should be disaggregated to show any difference in take-up across certain groups.* (Paragraph 39)

Voter registration

8. The Government should reconsider the introduction of automatic registration and run pilot schemes to evaluate how it would operate. A significant number of people who are entitled to vote are either not registered to vote or are incorrectly registered. Efforts must also be taken to reduce the registration gap between Black, Asian and minority ethnic voters and White voters, younger and older voters, and any other groups where a registration gap exists. (Paragraph 47)
9. To mitigate any potential discriminatory impacts of a voter ID requirement, it is necessary to take a joined-up approach that both promotes and facilitates registration and ensures the highest possible take-up of the Voter Card amongst individuals who otherwise may not have photo ID. *The Government should consider amending the Elections Bill to make provision for automatic voter registration.* (Paragraph 48)

Formal minutes

Wednesday 21 July 2021

Virtual Meeting

Members present:

Joanna Cherry MP, in the Chair

Lord Dubs	Baroness Massey of Darwen
Florence Eshalomi MP	Angela Richardson MP
Lord Henley	Dean Russell MP
Baroness Ludford	David Simmonds MP
	Lord Singh of Wimbledon

Draft Report (*Legislative Scrutiny: Elections Bill*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 49 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Fifth Report of the Committee to both Houses.

Ordered, That the Chair make the Report to the House of Commons and that the Report be made to the House of Lords.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till 8 September at 2.40pm.]

Witnesses

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

Wednesday 26 May 2021

Jessica Gardner, Representative, Electoral Reform Society; **Lord Woolley of Woodford**, Director, Operation Black Vote; **Professor Toby James**, Deputy Director, Electoral Integrity Project

[Q1-8](#)

Bob Posner, Chief Executive, The Electoral Commission; **Phil Thompson**, Head of Research, The Electoral Commission

[Q9-14](#)

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

Session 2021–22

Number	Title	Reference
1st	Children of mothers in prison and the right to family life: The Police, Crime, Sentencing and Courts Bill	HC 90
2nd	Legislative Scrutiny: Police, Crime, Sentencing and Courts Bill, Part 3 (Public Order)	HC 331
3rd	The Government's Independent Review of the Human Rights Act	HC 89
4th	Legislative Scrutiny: Police, Crime, Sentencing and Courts Bill (Part 4): The criminalisation of unauthorised encampments	HC 478

Session 2019–21

Number	Title	Reference
1st	Draft Jobseekers (Back to Work Schemes) Act 2013 (Remedial) Order 2019: Second Report	HC 146
2nd	Draft Human Rights Act 1998 (Remedial) Order: Judicial Immunity: Second Report	HC 148
3rd	Human Rights and the Government's Response to Covid-19: Digital Contact Tracing	HC 343
4th	Draft Fatal Accidents Act 1976 (Remedial) Order 2020: Second Report	HC 256
5th	Human Rights and the Government's response to COVID-19: the detention of young people who are autistic and/or have learning disabilities	HC 395 (CP 309)
6th	Human Rights and the Government's response to COVID-19: children whose mothers are in prison	HC 518 (HC 518)
7th	The Government's response to COVID-19: human rights implications	HC 265 (CP 335)
8th	Legislative Scrutiny: The United Kingdom Internal Market Bill	HC 901 (HC 901)
9th	Legislative Scrutiny: Overseas Operations (Service Personnel and Veterans) Bill	HC 665 (HC 1120)
10th	Legislative Scrutiny: Covert Human Intelligence Sources (Criminal Conduct) Bill	HC 847 (HC 1127)
11th	Black people, racism and human rights	HC 559 (HC 1210)

Number	Title	Reference
12th	Appointment of the Chair of the Equality and Human Rights Commission	HC 1022
13th	The Government response to covid-19: freedom of assembly and the right to protest	HC 1328
14th	The Government response to covid-19: fixed penalty notices	HC 1364
15th	Care homes: Visiting restrictions during the covid-19 pandemic	HC 1375
1st Special Report	The Right to Privacy (Article 8) and the Digital Revolution: Government Response to the Committee's Third Report of Session 2019	HC 313
2nd Special Report	Legislative Scrutiny: Covert Human Intelligence Sources (Criminal Conduct) Bill: Government Response to the Committee's Tenth Report of Session 2019–21	HC 1127
3rd Special Report	Legislative Scrutiny: Overseas Operations (Service Personnel and Veterans) Bill: Government Response to the Committee's Ninth Report of Session 2019–21	HC 1120
4th Special Report	Black people, racism and human rights: Government Response to the Committee's Eleventh Report of Session 2019–21	HC 1210
5th Special Report	Democracy, freedom of expression and freedom of association: Threats to MPs: Government Response to the Committee's Third Report of Session 2019	HC 1317