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Committee
House of Commons
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Dear William,

Elections Bill: Impact Assessment and Other Matters

Thank you for your letter of 27 August 2021 about the Elections Bill. In advance of my forthcoming appearance before the Committee on 14 September, I have addressed your questions below. I would also like to take this opportunity to correct a number of misunderstandings that were raised during the Bill's Second Reading debate on 7 September.

Voter Card modelling

Participation in the 2018 and 2019 pilots was encouraged on a voluntary basis and all local authorities in Great Britain were invited to pilot via a published prospectus which asked them to express their interest in participating.

In total 15 pilots were run in 2018 and 2019 across 13 local authorities, including Woking, Gosport, Watford, Bromley, Swindon, Pendle, Mid Sussex, North West Leicestershire, Braintree, Craven, North Kesteven, Broxtowe and Derby.

Among these, the pilots requiring photographic identification (the model which will be implemented across Great Britain) were run at both Woking in Surrey, and Pendle in Lancashire. I hope that this will provide reassurance that, contrary to the belief expressed by some in the Second Reading debate, our evidence base is not just taken from experiences in the South of England.

The experience from all of these pilots was crucial in providing us with valuable data and insights across a range of demographics, geography and voter identification models, initiated and delivered by the local authorities. We subsequently tested the data gathered against other available sources and in line with the latest implementation plans to inform the costings

for the impact assessment. Range and sensitivity assumptions have been applied to account for any uncertainty in these estimates.

The suggestion that thousands or millions of voters will not be able to vote, as was claimed recently at the Second Reading debate, is not supported by the evidence. The published findings of research commissioned by the Cabinet Office in 2021 - a nationally representative telephone survey of 8,500 residents eligible to vote in Great Britain - showed that 98% already hold a form of photographic identification that will be accepted at polling stations.

Furthermore, the claim that the proposals will disproportionately impact young voters (aged 18-29) and voters from ethnic minority backgrounds is also incorrect, as the research showed that young voters (aged 18-29) and voters from ethnic minorities are more likely to have access to an accepted form of photographic identification (99% across both groups).

In addition, our evidence from the pilots also showed that the overwhelming majority of people cast their vote without a problem.

I am confident that our experience in the pilots, combined with this evidence and the provision of a free local Voter Card for all voters without acceptable identification, provides a good basis for utilising photographic identification on a national level.

There appeared to be some confusion in the Second Reading debate regarding the statistics surrounding those who were turned away during the pilots for lacking identification and who subsequently did not return. I wish to confirm that there were between 326 and 350¹ such cases in the 2018 pilots, and a total of 740 such cases in the 2019 pilots. For the 2019 pilots where photographic identification was required - those carried out in both Woking and Pendle - there were a total of 123 such cases (this represents just 0.4% of polling station voters in these two pilots).

With respect to applications to the Voter Card, the Impact Assessment uses a range of 1 to 4% between potential low and high Voter Card scenarios depending on the type of elections running in different years. This assumption has been made as demand may differ between, for example, General Election and local election years.

The quoted level of 31% demand for a Voter Card refers to the proportion of people that said they would be likely to apply for a Voter Card. A second statistic that has been raised at Second Reading was that 42% of those who do not currently possess an accepted form of photographic identification would be unlikely to apply for a Voter Card. This was from a survey asked without respondents being aware that a Voter Card will be needed only by those electors who do not already have an accepted form of identification. The Government is planning significant communications work and engagement to ensure that the electorate understand the new requirements and the purpose of Voter Cards - we will be looking in particular to do further research, on those who do not currently hold the correct photographic identification, working with a range of stakeholders, Civil Society Organisation and charities.

¹ The uncertainty in the number of cases is due to data gathered from the Watford pilot - 24 people left without providing their name, so we cannot be sure if they were genuine registered electors.

Communications and awareness raising will ensure that the purpose of the Voter Card is clear and that existing forms of the required identification should be relied on by voters, with a Voter Card only necessary for those without one of the required forms of identification. As you will have seen, a wide range of identification will be accepted, including expired identification where the photograph remains a good likeness.

Further data is being collected through surveys and interviews to help us better understand voter needs, likely demand for the Voter Card and the cost.

As we have always said, our policy will meet the needs of all voters and we will support the development and implementation of a system that ensures the Voter Card is accessible to voters who need it. We have learnt from the local authorities who piloted the use of Voter Cards in 2018 and 2019, from civil society organisations and representative bodies, from Northern Ireland and other comparable jurisdictions, the needs of voters and the approaches that will work best for implementing an accessible, secure and sustainable system. Cabinet Office will work with all local authorities to support their preparations for voter identification, including the process for applying for and receiving a Voter Card.

We have always been clear that we will ensure implementation is thorough and local authorities are resourced to deliver. We will provide resources to local authorities to support targeted communications at the local level, and I am working closely with a number of civil society organisations representing groups with protected characteristics or who are harder to reach, in order to identify and address implementation concerns.

Further, the Electoral Commission will deliver a comprehensive and targeted communications campaign to raise awareness of the changes to the requirements at the polling station and inform those who do not have an approved form of photo identification that they are able to apply to their local authority for a free Voter Card.

Lastly - some colleagues in the chamber expressed concerns that some of the finer detail regarding how the Voter Card will be applied for, produced, and distributed had not yet been shared. These matters will be handled in secondary legislation, and details on these matters will be circulated in due course.

Voter turnout and fraud

You also asked about the Bill's effect on both voter turnout and fraud cases. The critical point here is that everyone who is eligible to vote will continue to have the opportunity to do so, and I have set about above some of the actions we are taking to support this. I can add that these are proportionate and sensible measures, used in respected democracies across the globe (including Canada, France, Germany, Austria, the Netherlands and Switzerland, Norway and Sweden).

Voting rightly remains an individual responsibility and choice, and levels of turnout can fluctuate year-on-year, including between the same types of elections, as a result of a range of factors (e.g. weather, other events happening on the day, personal life events) so we must carefully consider the impact with this in mind. Therefore, as noted in the Electoral

Commission² and Cabinet Office³ pilot evaluations, it is very difficult to draw a clear connection between the introduction of voter identification and any changes in turnout. The Cabinet Office published evaluation of the 2019 pilots found the main reason cited for not voting was “lack of time” (20% of those who did not vote in the photographic model pilots) and very few cited a reason related to not having correct identification (2% of those who did not vote, a similar proportion to survey data from the 2018 pilots).

We believe that cases of electoral fraud are likely underreported - this is, after all, a crime of deception - and so nobody can be sure that the reported number of cases accurately reflects the true scale of fraud being carried out. Instead, we plan to continue to monitor and evaluate the perceptions of fraud and integrity, as reported previously in the pilot evaluations.

As the Electoral Commission has noted to the Committee: "data may not be a complete record of all activity which could involve electoral fraud offences (given there is no practical mechanism to capture possible cases which have not been reported and detection of offences can be difficult)."

While the Commission's words quoted above are clear, as we are, that personation is hard to detect and likely to be under-reported, they have also noted that “since the introduction of photo ID in Northern Ireland there have been no reported cases of personation. Voters' confidence that elections are well-run in Northern Ireland is consistently higher than in Great Britain and there are virtually no allegations of electoral fraud at polling stations.”

The Cabinet Office evaluation of the 2019 pilots utilised a public opinion survey to assess perceptions of fraud. The research found that the local authorities piloting photographic identification requirements in 2019 had the most pronounced impact on the measures of integrity. Electors in the authorities trialling the photographic identification model showed a significant increase in their perception that there were sufficient safeguards in place to prevent electoral fraud at polling stations. While this trend was also seen in the mixed identification model after polling day, the photographic identification model is the only model piloted in which significantly more electors were likely to disagree with the perception that there is a level of electoral fraud taking place in polling stations that is significant enough to affect election results.

In addition, research undertaken via the Electoral Commission's public opinion tracker found that a majority of the public (66%) say a requirement to show identification at polling stations would make them more confident in the security of the voting system.⁴

We intend to evaluate the policy changes through a range of research methods to determine what effect the introduction of voter identification has had on people's decision to vote, amongst other research questions.

²<https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/voter-identification-pilots/may-2019-voter-identification-pilot-schemes/impact-voters-experience>

³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819404/2019_Voter_ID_Pilots_Evaluation.pdf

⁴<https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/public-attitudes>

In relation to your point about the reduction of fraud cases as a key performance indicator, the number of fraud cases reported is not necessarily representative of the amount of electoral crime occurring - electoral fraud is difficult to detect and prove, and, as noted above, we believe it is likely underreported, but it is by no means a victimless crime. Personation in particular only comes to light if and when the real voter tries to vote later after the crime has been committed. That is why introducing photographic identification in Great Britain is so important - it aims to eliminate the risk of these crimes occurring in the first place.

We therefore do not believe that a reduction in fraud cases could be used effectively as a key performance indicator. The Government will instead look to other indicators, such as voter confidence, to assess the impact of these new policies and the health of our democratic system.

Cost estimates and funding

You asked about cost estimates for various parts of the measures in the Bill, such as the Voter Card. Cabinet Office will meet the cost of the new burdens that flow from the implementation of the Bill's policy measures, in line with longstanding government policy.

Where the Bill measures result in additional burdens on local government, this will be provided for by the Cabinet Office in line with the new burdens doctrine. Costs relating to the conduct of UK Parliamentary elections and PCC elections will, where appropriate, be met centrally out of the Consolidated Fund.

To date, some of the costs and the majority of the benefits in the Impact Assessment have been qualitative due to their democratic and social nature and given that the relevant policies are still being refined and will be the subject of further Parliamentary scrutiny and detailed technical planning. Implementation planning and the conclusion of the policy definitions and outcomes will enable the monetisation of more of the costs and benefits, although never all.

We intend to provide further quantitative analysis, where possible, as the implementation planning supports this. We continue to work with the sector and other organisations such as charities and civil society organisations, to define our implementation plans effectively.

To further address your second question, the Impact Assessment sets out a central net economic cost, together with an upper and lower bound (of 50%) either side to account for uncertainty at this early stage and it is very unlikely that the additional costs from the areas you flagged would push the overall costs outside these ranges. Additional sensitivity analysis is included on the assumptions with the most uncertainty, as outlined in the impact assessment.

You also asked for further information on staff costs. The estimates for additional staff are based on average rates of pay for existing staff in local authorities, in turn uplifted to reflect changes in upcoming years and include National Insurance contributions. Additional hiring costs will be minimal in comparison to the actual staff costs and should be accommodated within the overall estimate range.

As mentioned above, we continue to work with the sector, including local authorities, to define our implementation plans effectively.

Proxy voting

As you noted, the Bill will restrict the number of proxy votes held by someone acting as a proxy to a maximum of four. The information on how many people currently hold proxy votes for more than four people is not held centrally in Great Britain. However, it is in Northern Ireland, by the Electoral Office of Northern Ireland. Based on information provided from the Northern Ireland Office in March 2021, out of around 7,000 people in Northern Ireland holding one-off proxies, no one acted as a proxy voter on behalf of more than six individuals, and a total of five people acted as proxy voters for between five and six other individuals. Of those people holding multiple proxy votes on an indefinite basis, only one individual held more than four.

The point of principle is that there is a risk associated with voters being able to hold a large number of proxy votes as this may be facilitated through duress or intimidation and so a proxy voter can gain inappropriate influence over the casting of a significant number of votes. This policy strikes an appropriate balance between the importance of supporting choice of voting method with managing the potential for fraud.

Monitoring and evaluation strategy plans

Building on the initial monitoring and evaluation plans outlined in the Impact Assessment for primary legislation, the Impact Assessments for secondary legislation will include comprehensive monitoring and evaluation strategy plans across all measures in the Bill.

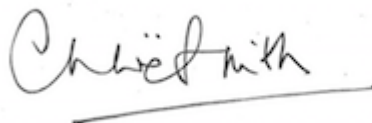
Justice Impact Tests

The Government has completed several Justice Impact Tests for individual components of the Bill where there are impacts on the justice system. These tests have been submitted to the Ministry of Justice which assessed that the proposals would not have a major impact on the justice system. For example, for voter identification, the measures are intended to close down an avenue for, and act as a deterrent to, persons committing electoral fraud and therefore should not lead to more persons being charged with committing an offence.

Justice Impact Tests are an internal tool to assess the impact of policies on the criminal justice system so have not been published. The costs have been reflected in the published impact assessment where relevant.

I trust the above addresses your questions and I look forward to discussing them further during the evidence session.

Yours ever,

A handwritten signature in black ink, appearing to read 'Chloe Smith', written over a horizontal line.

Chloe Smith MP
Minister of State for the Constitution and Devolution



PACAC (Public Administration and Constitutional Affairs Committee)

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27th August 2021

Dear Chloe,

Elections Bill: Impact Assessment and Other Matters

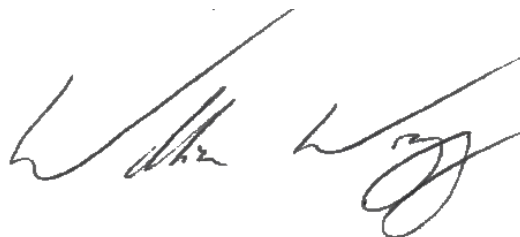
Ahead of your appearance before the Committee on 14 September to discuss the Elections Bill, the Committee has several questions which we feel would more usefully be dealt with via correspondence in advance, to allow for a more open and informed discussion during the evidence session itself:

1. An assumption has been made in the Impact Assessment that between 1-4% of the electorate will apply for a Voter ID card, even though a survey quoted in the Impact Assessment indicated that 31% of the electorate would apply. Can you explain why this assumption has been made given the survey results? What would be the effect of this higher take-up on the cost and administration of the policy?
2. A number of costs and benefits have not been monetised in the Impact Assessment. As such we are concerned that the likely the overall cost of the measures proposed by the Bill has been underestimated. Can you provide approximate estimates for the areas identified below, which have not been monetised in the assessment:
 - Voter ID:
 - ▶ Costs of creating a voter card application service;
 - ▶ Costs to individuals of obtaining the card, for example the travel time to collect; and
 - ▶ Costs to electoral administrators in implementing (enforcing) the policy.
 - Overseas voters:
 - ▶ Benefits through improvements to digital registration services.
 - Campaigning measures:
 - ▶ Costs to the Electoral Commission as regulator;
 - ▶ Costs to policing and criminal justice system; and
 - ▶ Expected number and magnitude of fines for breaches of the proposed new/amended legislation.

- EU citizens:
 - ▶ Cost of removing those no longer eligible from the register and communicating this to these people.
3. No assessment of the impact of the Bill on voter turnout and on fraud cases has been made in the Impact Assessment, despite the former being a major concern of many and the latter being an objective of the legislation. In addition, the pilot found that 0.4% of people asked for ID were turned away and did not return with the correct ID to vote. Will you provide an impact assessment of the effect on both voter turnout and fraud cases of the measures contained in the Bill?
 4. Why is the reduction of fraud cases not included as a measurable key performance indicator?
 5. Which costs included in the Impact Assessment will be met by local government and which will be met by central government?
 6. Do the additional staff costs of £10-30 million to implement the Voter ID card policy (for additional poll clerks and electoral admin staff) include the full cost of hiring, such as advertising the role, recruiting, National Insurance costs and any pension costs?
 7. Many of the costs and assumptions in the Impact Assessment are based on a pilot which took place in Woking, Surrey, a large commuter town in the Greater London Urban Area. As location (rural or urban) and demography (age, ethnicity, disability status, socio-economic status) may affect the take-up of Voter ID, how confident is the Government that the Woking pilot provides an accurate basis for scaling up to the whole UK? For example, is the assumption about posting versus collection appropriate given it has been extrapolated from a sample of voter ID cards issued in Woking?
 8. The Bill will restrict the number of proxy votes held per person to four. How many people currently hold proxy votes for more than four people?
 9. When will the Cabinet Office publish the monitoring and evaluation strategy for the policies implemented?
 10. As you will be aware, a JIT is required when a policy proposal could potentially have an impact on any aspect of the justice system. It appears to us that there is a strong possibility that aspects of this Bill could potentially increase or decrease the volume of cases going through the courts or tribunals, and change the way that cases are dealt with by the justice system. Can you explain why a JIT has not been produced for the Bill?

In light of your forthcoming appearance before the Committee, we would appreciate comprehensive responses to these questions and any relevant associated information or supporting documentation by Monday 6 September 2021. This letter and your response will be placed in the public domain.

With every good wish,

A handwritten signature in black ink, appearing to read 'William Wragg', written in a cursive style.

William Wragg MP
Chair, Public Administration and Constitutional Affairs Committee