



House of Commons  
Public Administration  
and Constitutional Affairs  
Committee

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# The Elections Bill

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## Fifth Report of Session 2021–22

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons  
to be printed 7 December 2021*

**HC 597**

Published on 13 December 2021  
by authority of the House of Commons

## Public Administration and Constitutional Affairs Committee

The Public Administration and Constitutional Affairs Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration and the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith; to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service; and to consider constitutional affairs.

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## Summary

The Elections Bill makes substantial changes to electoral law which the Government considers will “make UK elections more secure, modern, inclusive and transparent”. Several of the proposed measures are intended to fulfil manifesto commitments to “protect the integrity of the UK’s democracy”. However, the Bill does not address the widely recognised need for consolidating a voluminous and fragmented body of electoral law. As the Government acknowledges, parliamentary time for large-scale legislative change is scarce, which makes it all the more regrettable that the Government has not shown the requisite ambition to undertake this necessary reform. The decision to focus on a number of standalone measures in this Bill risks adding further layers of complexity. The Government should set out its timetable for a broader review and consolidation of electoral law.

The Bill, in particular the more controversial elements thereof, also received insufficient public consultation prior to introduction. The Committee takes the view that the Bill should have gone through a pre-legislative scrutiny process, with a draft Bill being scrutinised by a Joint Committee. Given the lack of pre-legislative scrutiny and the significance of the measures contained in the Bill, the Government should place a statutory commitment to undertake post-legislative scrutiny on the face of the Bill.

Several changes to electoral law proposed by the Government are also not set out on the face of the Bill, but will be implemented via a raft of secondary legislation. This melange of secondary legislation is likely to only add to the complexity of electoral law and the Committee is concerned about the Government’s reliance on delegated powers in this Bill. As such, it is important that all statutory instruments under this Bill are presented in draft in good time to enable due consideration by both Houses and by relevant stakeholders.

The most significant change to elections in the UK is contained in Clause 1 of the Bill, which would create a legal requirement to for photographic identification to be shown by voters in order to cast their vote at UK-wide elections, all local elections in England, and Police and Crime Commissioner elections in England and Wales. Currently, no identification is required for elections in Great Britain, but photographic identification has been required to cast votes in Northern Ireland elections since 2003. This ‘voter ID requirement’ is intended to prevent the offence of personation, where an individual votes as someone else in person at a polling station. The recorded levels of alleged personation are very low and the number of instances that result in a caution or conviction is even smaller. Personation is currently very difficult to detect unless a person named on the electoral register attempts to vote after personation has occurred. The Government believes that instances of personation are underreported, and the perceived risk of personation undermines public confidence in elections.

There is a concern that a voter ID requirement will introduce a barrier preventing some people from exercising their vote. When the requirement to produce photographic identification at polling stations was introduced in Northern Ireland in 2003, the turnout at the 2004 Northern Ireland Assembly elections dropped by 2.3% as a direct consequence. The introduction of the voter ID requirement will remove an element of the trust inherent in the current system between state and individual, and making it more

difficult to vote. We are concerned that the evidence to support the voter ID requirement simply is not good enough. It is likely that it will reduce turnout for future elections given the comparable evidence base following the introduction of such measures in Northern Ireland. The Government should not proceed with this proposal until it has set out the criteria it used in its assessment of the proportionality of introducing the voter ID requirements on voter turnout and participation and undertaken further consultation and research on the impact of the voter ID requirement on groups with protected characteristics. We also recommend extending the list of accepted forms of ID and call for all secondary legislation made under this Bill, which will establish the operation and functioning the voter ID requirement, to be provided in draft to relevant stakeholders with sufficient time for comment.

The Bill would also widen the requirement for people with disabilities to be supported in casting their vote. We support this measure. To ensure consistency in the application of this measure by local authorities, we recommend that the Electoral Commission be tasked with creating a minimum standard for equipment provided by electoral administrators and that these standards should seek to ensure that people are able to vote independently where possible. We also recommend that the current legal protections for blind and partially sighted individuals to vote independently is maintained.

The Committee also supports the measure in the Bill relating to postal voting, but recommends that regulations requiring local authorities to notify people in advance of expiry are brought forward to ensure that people do not accidentally find themselves unable to vote on an election day due to an automatic lapse in their postal vote. We also support the changes to limit the number of proxy votes that an individual can cast, and welcome the removal of the 15-year limit relating to overseas electors. The proposals on EU voting and candidacy rights set out in the Bill would create a complex system that would likely to lead to confusion. We recommend that the Government considers further the option of a residency based approach in the future.

The Bill proposes significant changes to the accountability arrangements for the Electoral Commission. It would create a new power for the Government to designate a Strategy and Policy Statement ('Statement'), which the regulator must have regard to in carrying out its functions. The Statement would be subject to a consultation process and must be approved by Parliament. The Commission's compliance with this Statement would then be assessed by the Speaker's Committee on the Electoral Commission, whose remit would be expanded under the Bill.

The Government maintains that the proposed measures are a necessary response to a loss of confidence in the Electoral Commission. However, widespread concerns have been expressed in evidence before this Committee that these measures, taken together, would threaten the actual and or perceived independence of the Electoral Commission and undermine public confidence in the effective and independent regulation of the electoral system.

Is it essential that the regulatory framework strikes the right balance between upholding the independence of the Electoral Commission and ensuring it is effectively scrutinised and held to account. Overall, the Committee considers that the Government has not provided sufficient evidence to justify why the proposed measures are both necessary

and proportionate. We therefore recommend that Clauses 13 to 15 of the Bill are removed, pending a formal public consultation on the proposed measures and to take into account any recommendations put forward by this Committee in its final report on the work of the Electoral Commission.

At a minimum, we recommend enhancing safeguards on the face of the Bill that make clear that the Commission can depart from the guidance set out in the Statement if it has a statutory duty to fulfil or if it reasonably believes it is justified in specific circumstances, to preserve the Electoral Commission's operational independence and prevent abuse by future governments. Furthermore, given the Government's stated objective of improving parliamentary scrutiny of the Electoral Commission, the proposed consultation and approval processes of the Statement must be transparent and meaningful. The consultation requirements, and when they are likely to be disappplied, require clarification. We recommend the use of the 'super-affirmative procedure' for approval of the Statement to ensure that Parliament has a say in the drafting of the Statement. Furthermore, the Government should make a clear commitment to find time for debate on the floor of the House when the Statement is laid for approval. Finally, given the importance of the Speaker's Committee being seen to exercise its role and powers impartially and with cross party support, we would support measures that increase transparency in the Speaker's Committee assessment of the Electoral Commission's compliance with the Statement.

The Bill also makes changes to the regulation of campaign expenditure. While there has been support in principle for these measures, the Committee is concerned that the Government proceeded with making changes in certain areas ahead of the Committee on Standards in Public Life (CSPL) report on this matter, *Regulating Election Finance*, which was published shortly after the Bill's introduction and proposes a coherent package of reforms. The Government has also not made clear which of the recommendations in the CSPL report it is likely to adopt and prioritise in future, if any. The Government should give clarity on its next steps in this regard.

Digital imprints on campaign material are also introduced through the Bill. This will help voters understand who is paying for the digital political advertising to which they are exposed. This measure has received widespread support in principle and has been viewed as a long overdue step to increase transparency in online campaigning. Given the rapid pace at which changes in technology can take place, we have recommended that the Government monitor and conduct regular reviews of the digital imprint scheme to ensure it remains effective and that unintended consequences and loopholes are prevented from emerging or remaining open to exploitation.

Finally, the Committee is concerned about the late addition of the change to the voting system for Police and Crime Commissioner (PCCs), Combined Authority and Local Authority Mayoral and London Mayoral elections. Regardless of the benefits or disadvantages of the changes made by the Bill to the electoral system for those offices, the manner in which this change was introduced after the Bill had been debated by the House at Second Reading was unsatisfactory and disrespectful towards the House of Commons.

# 1 Introduction

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## Background

1. The [Elections Bill 2021–22](#) (the “Bill”) was presented on 5 July 2021 and passed Second Reading on 7 September 2021. It was considered by the Public Bill Committee between 15 September and 27 October<sup>1</sup> and is expected to move to Report Stage imminently.
2. The Government argues that the Bill “will make UK elections more secure, modern, inclusive and transparent”. It purports to meet some of the Government’s 2019 manifesto commitments, including to “protect the integrity of the UK’s democracy, by introducing identification to vote at polling stations, stopping postal vote harvesting and measures to prevent any foreign interference in elections” and “make it easier for British expats to vote in Parliamentary elections, and get rid of the arbitrary 15-year limit on their voting rights”.<sup>2</sup>
3. Key documents accompanying the Bill include:
  - a) [Explanatory Notes](#)
  - b) [Delegated powers memorandum](#)
  - c) [Human rights memorandum](#), and
  - d) [Impact assessment](#).
4. The [House of Commons Library Research Paper on the Elections Bill 2021–22](#) provides detailed briefing on all aspects covered in the Bill and summarises its provisions, as introduced.

## Scope of the inquiry: Our Committee’s remit and objectives

5. As part of its remit in scrutinising the Government on electoral matters (and functions substantially corresponding to such matters), the Committee [launched an inquiry on 26 July](#) following the Bill’s introduction. The Committee received over 55 written submissions and held oral evidence sessions with stakeholders and the then responsible Minister, Chloe Smith MP, in the first half of September, to help inform the House’s consideration of the Bill.
6. Given the breadth of the Bill, the Committee has focused its scrutiny on what is widely perceived as its most contested elements, relating to voter ID, measures impacting the Electoral Commission, changes to party and third-party campaign finance rules, the implementation and enforcement of digital imprints and—most recently, following its addition to the Bill after introduction and Second Reading—changes to the voting system for certain elections.

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1 References to clause numbers listed in this Report relate to [this](#) version of the Bill, as amended in Public Bill Committee

2 [Explanatory Notes](#), p.3

7. Our recommendations highlight potential gaps in the evidence base for the proposed measures and/or identify areas for improving the drafting and monitoring of this important piece of legislation.

## 2 Purpose and scope of the Bill: A missed opportunity for urgent reforms?

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### Reviews of electoral law relevant to the Elections Bill

#### *Law Commissions' report on electoral law*

8. In March 2020, the Law Commission of England and Wales and the Scottish Law Commission published their report on electoral reform. The Law Commissions noted that the current law governing elections is found in “[m]ore than 25 statutes and many more pieces of secondary legislation” despite the rules for different elections, and therefore the content of the statutes, being “largely identical”. Their final report made the following recommendations:

- a) electoral law should be rationalised into a single, consistent legislative framework with consistent electoral laws across all elections, except where differences are necessary (for example, due to different voting systems);
- b) the process for challenging elections should be modernised, making it easier for parties to understand and use and that judges be given the power to limit the potential costs for challengers; and
- c) existing electoral offences should be updated and made easier for the electorate, officials and prosecutors to understand.

9. The Elections Bill does not adopt any of these recommendations.

#### *Predecessor PACAC report on electoral law*

10. The predecessor Committee’s 2019 report on ‘Electoral Law: The Urgent Need for Review’ noted that even the most professional agents can fear falling foul of electoral law and the complexity poses serious risks and difficulties for electoral administrators. It recommended:

that the Government should initially prioritise non-controversial consolidation of electoral law that can command cross-party support. The Government should base this work on the final report of the Law Commission on electoral law, due in 2020. Once this initial consolidation has been achieved, the Government should then proceed to evaluate the effectiveness of electoral law more generally to determine whether more substantive reforms should be introduced.<sup>3</sup>

11. In its response to the predecessor Committee’s report, the Government agreed in principle that electoral law needed consolidation but considered there were “more

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3 Public Administration and Constitutional Affairs Committee, [Electoral Law: The Urgent Need for Review](#), HC 244–2019, November 2019

immediate challenges outside of the structure of electoral legislation, including operations, resilience, fraud and confidence. Our priority is to ensure our elections are secure and updated for the age, maintaining confidence and the integrity of people's choices".<sup>4</sup>

### *The legacy of Tower Hamlets*

12. Several of the provisions contained in this Bill have come about in reaction to the events surrounding elections in the London Borough of Tower Hamlets between 2012 and 2014. In 2012, there were a significant number of allegations of electoral fraud mainly relating to postal voting and registration. While only a small number of these were found to have merit the Electoral Commission reported as follows:

Our analysis of the cases of alleged electoral fraud reported in Tower Hamlets in 2012 highlights the need for some significant changes in the approach to reporting and investigating allegations in future. These changes will require action from the ERO and RO in Tower Hamlets and also from the MPS, but they will also need to be supported by commitments from political parties, candidates and campaigners. Without taking steps now to begin rebuilding confidence and trust between the key participants in the election process, we are concerned that the May 2014 local elections will again be damaged by allegations of electoral fraud.<sup>5</sup>

13. Sufficient steps were not taken and as a result the 2014 election in Tower Hamlets was marred by further electoral offences and the setting aside of the result in the Mayoral re-election of Lutfur Rahman as Mayor of the London Borough of Tower Hamlets. In total, 170 allegations of electoral offences of fraud and malpractice were investigated.<sup>6</sup> From the original set of allegations, 47 allegations of intimidation at polling stations were viewed worthy of further exploration.

14. In light of the events in the London Borough of Tower Hamlets, Sir Eric, now Lord Pickles, was asked by the Government to carry out a review which resulted in the report *Securing the Ballot*.<sup>7</sup> Lord Pickles' review highlighted a number of issues of considerable concern including: instances of harassment of electors outside polling stations; instances of campaigners asking people to hand over their postal votes; and intimidating behaviour at the electoral count. Many of the recommendations made in the *Securing the Ballot* report can be seen crystallised as legislative measures in this Bill.

### *Other calls for electoral law reform*

15. The Association of Electoral Administrators (AEA) has long argued that election law is no longer fit for purpose. Its 2021 report, *The AEA's Blueprint for a Modern Electoral Landscape*, highlights the resourcing and capacity challenges that local authorities and electoral administrators face in delivering elections:

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4 Electoral law: The Urgent Need for Review: [Government Response to the Committee's First Report of Session 2019](#), HC 327 2019–21, 15 May 2020

5 Electoral Commission, [Allegations of electoral fraud in Tower Hamlets in 2012](#), March 2013

6 Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), [Operation Lynemouth: Final report](#), March 2019.

7 Cabinet Office, [Securing the Ballot](#), August 2012

Elections are often delivered in spite of rather than because of the fragmented and outdated legislative framework. The pressure on those running the process is too great. They cannot continue to successfully deliver without serious and sweeping reform.<sup>8</sup>

16. In its review of electoral finance regulation, the Committee on Standards in Public Life (CSPL) also called for the Government to bring forward a Bill that simplifies and consolidates electoral law.<sup>9</sup>

### Missed opportunity for reform and consolidation?

17. Written and oral evidence to our inquiry highlights that the proposed measures in the Elections Bill “do not get to the heart of the matters that have been identified [in previous reviews]”,<sup>10</sup> represent a “missed opportunity” for the consolidation of complex, outdated electoral law (which would gain cross-party support) and risk adding layers of complexity to a patchwork framework of primary and secondary legislation.<sup>11</sup>

18. The Electoral Reform Society notes that a range of civil society organisations, in addition to the Law Commissions and the CSPL, have made “repeated calls” to “consolidate, simplify and modernise electoral law”:

The Elections Bill is a significant piece of legislation which, in some areas, will make considerable controversial changes to the conduct and administration of our elections, including forcing voters to have to prove who they are in order to vote by presenting photo ID at the polling station. Despite its stated ambitions, however, the bill does not tackle the fundamental issues with our electoral law and still leaves open the possibility for loopholes to be exploited ...

We can’t continue tinkering around the edges ... Rather than rushing the Elections Bill through parliament, the government must take heed of the many recommendations that have been made with regards to our election law and ensure it is fit for the 21st century.<sup>12</sup>

19. In oral evidence to the Committee, Professor Toby James expressed the view that the Bill “will worsen the problem with fragmented, convoluted electoral law. It is going to make elections harder to deliver because of these complexities and much more difficult to understand for citizens as well.”<sup>13</sup> These concerns have been echoed by various other academics and stakeholders.<sup>14</sup>

8 AEA, [The AEA’s Blueprint for a Modern Electoral Landscape](#), July 2021, p2

9 22nd report of the Committee on Standards in Public Life, [Regulating Election Finance: A Review by the Committee on Standards in Public Life](#), July 2021

10 [Q2](#)

11 [Q3](#); Electoral Reform Society ([TEB0036](#)); Dr Sam Power (Lecturer at University of Sussex) ([TEB0018](#)); Professor Toby S. JAMES (Professor of Politics and Public Policy at University of East Anglia) ([TEB0035](#)); Committee on Standards in Public Life ([TEB0011](#))

12 Electoral Reform Society, [What is the Elections Bill? And why is it an issue?](#)

13 [Q4](#)

14 Dr Sam Power (Lecturer at University of Sussex) ([TEB0018](#)); Bond ([TEB0053](#))

20. The Government itself acknowledges that “[t]his is a significant piece of legislation” and that it does “not get the chance to legislate to do with our democracy every year.”<sup>15</sup> However, it denies that the Bill is a “missed opportunity”, considering it “more pressing to be able to deliver on those things that we [the Government] have promised to do”:

To do all of that, as well as delivering the kind of consolidation that the Law Commission and a few others have looked at and proposed, would be a very difficult piece of work; almost too large a piece of work. It would be an enormous undertaking.<sup>16</sup>

21. **The Committee notes that electoral law in the UK is voluminous and fragmented across a raft of primary legislation and accompanying secondary legislation. We believe that there is a risk that this Bill will add further complexity.**

22. **As the Government itself acknowledges, the time available for legislative change is limited and the matter of consolidating electoral law a long and widely recommended, but challenging undertaking.**

23. **Whilst a number of the proposed measures have been widely supported, including on undue influence, the Government’s decision to focus on several ‘standalone’ reforms shows a lack of ambition. It has missed the only opportunity to bring forward a Bill which simplifies and consolidates electoral law, as has been recommended by the Law Commissions, our predecessor Committee and the CSPL. Such a Bill is likely to have received cross-party support, but most importantly, is required to make electoral law easier to understand and comply with - thereby supporting public confidence in elections.**

24. ***The Committee urges the Government to set out a timetable for undertaking a wholesale review and consolidation of electoral law.***

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15 [Q78](#)

16 [Q79](#)

## 3 Public and parliamentary consultation and scrutiny

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### Pre-legislative consultation and scrutiny

25. The proposed legislation was not laid in draft for pre-legislative scrutiny. In the run-up to its publication, the Government made several Written Ministerial Statements outlining areas to be covered in the Bill, including:

- a) Written Ministerial Statement ([HCWS62](#)) on ‘Empowering British Citizens Overseas to Participate in our Democracy’ of 27 May 2021;
- b) Written Ministerial Statement ([HCWS92](#)) on ‘Strengthening Transparency and Fairness in Elections’ of 15 June; and
- c) Written Ministerial Statement ([HCWS100](#)) on ‘Increasing Parliamentary Accountability in Electoral Policy’ of 17 June.

26. Further Written Ministerial Statements were deposited after publication of the Bill, including:

- a) Written Ministerial Statement ([HCWS269](#)) on ‘Role of the Speaker’s Committee in Holding the Electoral Commission to Account’ of 7 September; and
- b) Written Ministerial Statement ([HCWS290](#)) on ‘Election Finance and Policy’ of 15 September 2021.

27. The Committee has heard a range of views on the extent to which the Government engaged with key stakeholders on the Bill, with some noting that the Government was open to listening to views but that the policy content was ‘pre-determined’, that the Government did “not have the evidence to understand the impact of their proposals”<sup>17</sup> and that their organisation was not afforded sufficient time to give its views.<sup>18</sup>

28. Helen Mountfield QC, an electoral law expert, notes:

My real concern is that this is very constitutionally and democratically significant legislation and it is being put through without a White Paper ... I think it is inexplicable that this is being rushed through without the opportunity for proper debate or an attempt to build cross-party consensus. That feeds a perception—and it may be a wrong perception; this may be a sticking plaster solution to some problems and not others—that it is being done for narrow and short-sighted reasons of perceived political advantage.<sup>19</sup>

29. **The Committee notes and regrets that the Bill was not afforded pre-legislative scrutiny.**

30. **We note that pre-legislative consultation can build consensus and ensure that the proposals meet their stated objectives. Written and oral evidence to this inquiry**

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17 [Q5](#)

18 [Q45](#)

19 [Q6](#)

**infers a strong correlation between elements of the Bill which have received cross-party and wide-ranging public support and on which extensive public consultation was undertaken.**

**31. We note that there was limited to no public consultation on more controversial or ‘contested’ elements of the Bill, such as changes to the Electoral Commission, and that pilots on Voter ID were limited.**

**32. Given the constitutional significance of the proposed changes to voting and the accountability mechanisms of the regulator of elections, the Committee is disappointed that a Joint Committee was not appointed to scrutinise this Bill in draft, to help ensure the legislation is fit for purpose.**

**33. The Committee further notes the Government’s decision to amend the scope of the Bill by including additional measures on the voting system for all Police and Crime Commissioner, Combined Authority Mayoral and London Mayoral elections after the Bill was introduced, had its Second Reading and was part-way through Committee stage. As a result, the House was denied an important opportunity to debate the purpose and implications of the changes early on in its legislative process.**

### **Post-legislative scrutiny**

34. Following criticism by charities and civil society organisation of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, [section 39](#) was introduced requiring the Government to “appoint a person to conduct a review of the operation of Part 6 of the Political Parties, Elections and Referendums Act 2000 in relation to the first relevant parliamentary general election”. This review was carried out by Lord Hodgson ([Third Party Election Campaigning Getting the Balance Right](#)).

35. The Fixed Term Parliaments Act 2011 required the Prime Minister to make arrangements for a committee to review the operation of the whole Act and propose amendments and/or repeal the Act ([section 7\(4\)](#)).

36. In response to the Committee’s letter to Rt Hon Michael Gove MP of 23 September,<sup>20</sup> following up on the then responsible Minister’s commitment to explore options for post-legislative scrutiny of the Bill, Joint Minister of State for Equalities and Levelling Up Communities, Kemi Badenoch MP, states:

As Chloe Smith highlighted to the Committee, it is standard practice for the Government to conduct post-legislative scrutiny of Acts following Royal Assent, so it would not be necessary for the Bill to be amended to include a specific provision to this effect. Moreover, in order for post-legislative scrutiny to be able to effectively review the impact of the legislation, it will be important to allow time for elections to take place. A specific statutory requirement risks not allowing for the necessary flexibility to report following elections as they happen.<sup>21</sup>

20 [Letter to Rt Hon Michael Gove MP, Secretary of State, Department for Levelling Up, Housing and Communities on the Elections Bill – follow up to the oral evidence session of 14th September, dated 23.9.21](#)

21 [Letter from Kemi Badenoch MP, Joint Minister of State for Equalities and Levelling Up Communities on the Elections Bill - Follow up to the oral evidence of 14.9.21, dated 7.10.21](#)

37. *Given the lack of pre-legislative consultation and scrutiny on this constitutionally important Bill and the significant change in scope of the Bill after its introduction and Second Reading, the Government should include a statutory commitment to post-legislative scrutiny of the Bill on the face of the Bill.*

38. *We recommend that the Government amend the Bill to introduce a requirement that, within five years of the entry into force of the Act, a committee comprising a majority of Members of the House of Commons is established to review the operation of the Act and, if appropriate in consequence of its findings, make recommendations to the Government and to the House for reform (including making arrangements for the publication of the committee's findings and recommendations, if any).*

### Devolved Administrations' consultation and consent

39. Several measures contained in the Bill are subject to legislative consent motions (LCMs) from the Scottish Parliament, the Welsh Parliament (Senedd Cymru) and the Northern Ireland Assembly as they touch on devolved competence.<sup>22</sup>

40. The Welsh Government published its legislative consent memorandum on 9 September, and did not recommend legislative consent. The LCM concludes:

It is my view that it is not appropriate to deal with the provisions described above in this UK Bill. Although I do see the benefits of addressing for devolved elections some of the issues covered by this Bill, subject to the further consideration I referred to above, my preference is to do this via

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22 29. For the Scottish Parliament:

- Undue influence (clause 7 and schedule 4) insofar as it relates to the conduct of local government elections in Scotland, and incapacities relating to being elected to or holding local government elective offices in Scotland.
- The introduction of a Strategy and Policy Statement that the Electoral Commission (clause 12) will have to have regard to in the discharge of the Commission's devolved Scottish functions.
- Notional expenditure (clauses 16–18) in relation to the application of the rules on campaign expenditure at devolved elections.
- Political finance (clauses 22–25) in relation to the registration/notification of third parties for elections devolved to the Scottish Parliament and in relation to campaign expenditure for both political parties and third-party campaigners for standalone devolved elections.
- The new intimidation disqualification order (clauses 26–34 and schedule 9) insofar as it relates to the qualifications for nomination as a candidate for election to, election to or holding the office of a member of the Scottish Parliament or a local government elective office in Scotland.

30. For the Senedd Cymru / Welsh Parliament:

- Undue influence (clause 7 and schedule 4) insofar as it relates to the conduct of local government elections in Wales, and incapacities relating to being elected to or holding the office of a member of the Senedd Cymru or local government elective offices in Wales.
- The introduction of a Strategy and Policy Statement that the Electoral Commission (clause 12) will have to have regard to in the discharge of the Commission's devolved Welsh functions.
- Notional expenditure (clauses 16–18) in relation to the application of the rules on campaign expenditure at devolved elections.
- Political finance (clauses 22–25) in relation to the registration/notification of third parties for elections devolved to the Scottish Parliament and in relation to campaign expenditure for both political parties and third-party campaigners for standalone devolved elections.

31. For the Northern Ireland Assembly:

- EU citizens' voting and candidacy rights: disqualification of sitting councillors (Schedule 7, Part 3, paragraph 7, and Part 4, paragraph 10) in relation to the rules governing disqualification of sitting councillors in Northern Ireland, and transitional arrangements for those sitting when the clauses are commenced.

Senedd legislation in due course. I cannot, therefore, currently recommend consent to the Bill. We are working with the UK Government with a view to seeking amendments to the Bill to reflect our policy position.<sup>23</sup>

41. The LCM also raises concerns regarding other aspects of the Bill that do not apply to Wales, further stating that voter ID, changes to postal and proxy voting, or the extension of the overseas franchise could cause “potential unintended consequences such as voter and candidate confusion and complexity for administrators.”<sup>24</sup>

42. The Scottish Government published their LCM on 21 September, and also did not recommend legislative consent:

The Scottish Government is sympathetic to some of the changes proposed in the Bill and considers that aspects of the Elections Bill represent an improvement upon existing law. However, there is substantial period until the next major Scottish devolved election (7 May 2026<sup>14</sup>) and it considers it preferable to consider adoption of some of the Bill’s measures (e.g. in relation to campaign finance) further in separate Scottish legislation, informed by experience in relation to implementation of the Bill in UK reserved elections and after consultation with electoral stakeholders and others.<sup>25</sup>

43. At the time when the then responsible Minister, Chloe Smith MP, gave oral evidence to the Committee, only the response from the Welsh Government had been received. When asked about the views of the Devolved Administrations regarding legislative consent, the then responsible Minister told us:

There are measures that could be put in place across all elections. For example, I think some of the measures around intimidation could be done that way. If I were to propose to do that—and after my discussions with my ministerial counterparts—I would have to obviously request a legislative consent motion from them and for that to have been passed in their legislatures. As everybody will know, that is the way that the Sewel Convention works and the UK Government are committed to that convention and, therefore, would operate those processes. My hope with this Bill would be to be able to have a degree of partnership with my colleagues in those Administrations to be able to, where possible, have measures that could apply at all elections. If that is not their desire, they will not be putting forward a motion in their legislatures, as Mick Antoniw has laid out in his memo, and that is that. Therefore, we will have effectively separate arrangements. After all, that is a natural consequence of devolution. That is for them to make their decision and for us to make ours.<sup>26</sup>

44. When asked to clarify that the UK Government would not propose to persist with legislating for the Devolved Administrations in the event of an LCM being refused, the then responsible Minister stated emphatically “No, I don’t propose to do that.”<sup>27</sup>

23 Government of Wales, [LEGISLATIVE CONSENT MEMORANDUM ELECTIONS BILL](#), 9 September 2021

24 Government of Wales, [LEGISLATIVE CONSENT MEMORANDUM ELECTIONS BILL](#), 9 September 2021

25 Scottish Government, [LEGISLATIVE CONSENT MEMORANDUM ELECTIONS BILL](#), 22 September 2021

26 [Q92](#)

27 [Q93](#)

45. **The Government has committed to respecting devolved competence where they are touched upon in this Bill. If this were to change, we expect the Committee and the House to be notified of the reasons for such a change in advance of a final vote on the Bill. One of the effects of the Bill would be to create further divergence between the rules for how elections are conducted in different parts of the UK. This is of concern as while some small differences can be accommodated and understood by the UK's electorates, the increasing number of differences will add to the complexity and potentially to confusion for voters, electoral campaigners and electoral administrators. We are clear that this is not an issue caused by the UK Government alone. *The four Governments of the UK should seek to develop a more coordinated approach to electoral policy and law.***

### Scope of delegated powers

46. The Bill's proposed provisions will amend a substantive body of existing primary and secondary legislation, with much of the detail on how "a lot provisions in the Bill ... are going to work"<sup>28</sup> to be determined via secondary legislation.

47. In its written evidence to the Committee, the Electoral Commission states:

This Bill, and the secondary legislation that will be needed to implement it, will substantially increase the size of the UK's body of electoral law. The laws around elections are already complex and fragmented, and the Government should confirm how it will address any additional risks from adding new legislation.<sup>29</sup>

48. **Many of the proposed changes in electoral law are not being made on the face of the Bill, but will be determined by secondary legislation. The melange of delegated powers provided for in this Bill serves to highlight, and potentially adds to, the complexity of an already disparate body of electoral law. We are disappointed that more of the detail regarding how the measures to be introduced via this Bill are to be implemented is being left to secondary legislation rather than being included on its face.**

49. *The Government should present the draft secondary legislation as early as possible, as committed to by then responsible Minister, Chloe Smith MP, to enable due consideration by both Houses and stakeholders of the proposed secondary legislation that will provide further detail on the purpose and implementation of the Bill prior to that legislation being laid or made.*

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28 [Q42](#)

29 Written evidence from the Electoral Commission ([TEB0006](#))

## 4 Voter ID requirement

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50. Currently in Great Britain, voters at polling stations do not need to show any identification before voting. In Northern Ireland the law is different and there is a legal requirement to show identification before voting. The Bill would change the law so voter ID would be required throughout the UK for at least some elections. This follows a commitment in the Conservative Party Manifesto to “protect the integrity of our democracy, by introducing identification to vote at polling stations”.<sup>30</sup>

### Clause 1 and Schedule 1 of the Bill

51. Clause 1 together with Schedule 1 of the Bill amends the Representation of the People Act 1983 (RPA), providing the legal basis for requiring identification to be shown at a polling stations in order to vote in person at:

- UK general elections throughout the UK;
- elections for Police and Crime Commissioners in England and Wales; and
- all local elections in England, including elections for Combined Authority Mayors.

52. Elections within devolved competence, meaning elections to the Scottish Parliament and to the Senedd Cymru, and local elections in Scotland and Wales, would not be affected by this Bill. It would be for the relevant devolved legislature to pass legislation in this area, or to request or provide consent for the UK Parliament to pass legislation for them. Both the Scottish and Welsh Governments have indicated they do not support the introduction of a voter ID requirement.

53. The Bill sets out that the following documents will be accepted as proof of identification “in whatever form issued to the holder and regardless of any expiry date”:

- A UK, Commonwealth or EEA Passport;
- A UK, Channel Islands, Isle of Man or an EEA driving licence;
- A biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007;
- An identity card with the Proof of Age Standards Scheme hologram (a PASS card);
- An MOD Defence Identity Card;
- A concessionary photo travel from a scheme funded by the Government of the United Kingdom, the Scottish Government or the Welsh Government; an Oyster 60+; a Freedom Pass. Northern Ireland Concessionary Fares Scheme cards: Senior SmartPass; Registered Blind SmartPass or Blind Person’s 35 SmartPass; War Disablement SmartPass or War Disabled SmartPass; A 60+ SmartPass; A Half Fare SmartPass;

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30 Conservative Party, [Conservative Party Manifesto: 2019 Get Brexit done Unleash Britain’s Potential](#), 48

- A Blue Badge scheme card issued in Great Britain or Northern Ireland;
- A voter ID card issued by a person's local electoral registration officer (issued under Section 13BD or 13BE) or an existing Northern Ireland voter ID card (issued under Section 13C); or
- A national identity card issued by an EEA state.

54. Paragraph 2 of Schedule 1 makes provision to allow registered electors to apply for an electoral identity document (a Voter Card) or an anonymous electoral identity document (an Anonymous Voter Card). The Voter Card must contain a person's full name and a photograph of the person, but further regulations may require additional information be contained on the card. The Anonymous Voter Card would contain a person's electoral number instead of their name. Both of these identification documents are required to be provided free of charge. There is also a provision in regards to both identification documents that regulations can be made to allow for the electoral document to take other forms, so these documents could take other forms than a card. Regulations can also be made about "the period for which an electoral identity document issued in a particular form is to be valid", so an expiry date can be placed the voter cards, to ensure renewal.

55. **There appears to be potential for a contradiction in the drafting of Schedule 1 as the provisions setting out both the Voter Card and the Anonymous Voter Card leave open the possibility of a limited period of validity. However, the rules for the documents which can be accepted as forms of identification at a polling station state that such identification will be accepted "regardless of expiry date". *If this is a drafting error the Bill should be amended. If this is not a drafting error, a clearer explanation needs to be provided as to how a period of validity could work for a Voter Card if an expiry date is not a bar to it being used for its sole purpose at a polling station.***

56. The Bill places a duty on the Secretary of State to produce reports on the effects of the voter ID requirement after the first two parliamentary elections where voter ID is required and the first local election where voter ID is required. There is also requirement for every situation where there is a refusal to issue a ballot paper to be recorded. This anonymised information is then to be collated and sent to a UK Minister, and on request, to the Electoral Commission.

57. Paragraph 9 of Schedule 1 to the Bill makes provision that every polling station must make sure there is an area where validation of proof of identification can take place privately.

58. Paragraph 10 of Schedule 1 sets out that only Presiding Officers can refuse to issue a ballot paper for failure to answer a statutory question satisfactorily and failure to show satisfactory identification or resolve doubts about a person's identity.

59. Poll cards must list the types of identification which are acceptable to enable a elector to vote, and a large list of types of identification that are accepted must be displayed at each polling station.

60. The then responsible Minister, Chloe Smith MP, explained to the Committee in her oral evidence that the Government's justification for introducing the voter ID requirement was:

Because we think that we need to make sure that our elections remain secure. A body of evidence provided by many observers, including for example the Electoral Commission, including the OSCE, suggests that there is a particular vulnerability in our polls whereby a person commits personation—that is the name of the fraud that we are talking about—and we think that needs to be removed. We think that is a sensible measure that will keep our elections secure.<sup>31</sup>

61. In part, the current Government’s commitment to introduce voter ID follows on from recommendations in the Pickles Review into electoral fraud. This Review was set up in 2015, in light of the judgment disqualifying the elected Mayor of the London Borough of Tower Hamlets, Lutfur Rahman, for numerous corrupt and illegal practices including registration and ballot fraud, although personation at the polling station was not a significant part of this.<sup>32</sup>

62. The Review made 50 recommendations for tackling electoral fraud, two of which required voters to provide a form of identification at polling stations before voting.<sup>33</sup>

- Recommendation 8: ‘ ... The Government should consider the options to have to introduce personal identification before voting at polling stations ... ’ ; and
- Recommendation 24: ‘The provisions of an ID requirement in polling stations should apply to those casting a vote as a proxy on behalf of a voter’.

63. The purpose of the voter ID requirement in the Bill is to address the electoral offence of “personation”. The offence of “personation” occurs when an individual votes as someone else either by post or in person at a polling station.<sup>34</sup> The Bill’s voter ID measures would seek to prevent personation at a polling station, however it should be noted that the Bill’s provisions do not seek to address the offence of personation by post.

64. Currently, staff at polling stations can ask two questions to establish the identity of a voter who is suspected of a personation offence:<sup>35</sup>

- Are you the person registered in the register of electors for this election as follows?
- Have you already voted here or elsewhere at this election, otherwise than as a proxy for some other person?

65. Staff cannot currently ask or require a person to produce documentation to verify their identity at the polling station before issuing a ballot. This system is one in which a strong element of trust remains in the electorate and in which it is relatively easy for the electorate to cast their ballot.

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31 [Q100](#)

32 Cabinet Office, [‘Sir Eric Pickles publishes report into tackling electoral fraud’](#), August 2016

33 Cabinet Office, [Securing the ballot: Report of Sir Eric Pickles’ review into electoral fraud](#) August 2016, p 55

34 The Electoral Commission, [Factsheet on electoral offences](#).

35 Cabinet Office, [Electoral Integrity Project- Local Elections 2018- Evaluation](#), July 2018

## Instances of personation at elections in the UK

66. There is very limited evidence of personation at UK elections. Both recorded levels of electoral offences and research into the conduct of elections provides little evidence that personation has occurred at recent elections in the UK. For example, Professor Toby James from the University of East Anglia has said that “research has consistently shown that personation is not a widespread problem at polling stations”.<sup>36</sup> Similarly, Professor Justin Fisher of Brunel University has said that proposals to introduce voter ID “represents a disproportionate response to a problem that appears not to be widespread. Where it exists, it is largely localised.”<sup>37</sup> The Electoral Commission has published an annual review of election fraud since 2017 and has repeatedly concluded that there is “no evidence of largescale electoral fraud”.<sup>38</sup>

67. Data provided by the Electoral Commission sets out the levels of alleged and cautioned and convicted personation since 2015:

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36 Professor Toby S. JAMES (Professor of Politics and Public Policy at University of East Anglia) ([TEB0035](#))

37 Professor Justin Fisher (Professor of Political Science at Brunel University London) ([TEB0016](#))

38 Electoral Commission, Analysis of cases of alleged electoral fraud in the UK in 2017; Electoral Commission, Analysis of cases of alleged electoral fraud in the UK in 2018; Electoral Commission, Analysis of cases of alleged electoral fraud in the UK in 2019

Year	Total number of cases of alleged electoral fraud	Total number of cases relating to voting allegations	Number of cases relating to alleged personation in polling stations (and as a % of all allegations)	Number of cases of alleged personation in polling stations resulting in police cautions or convictions	Number of cases relating to alleged personation by post (and as a % of all allegations)	Number of cases of personation by post resulting in police cautions
2020  Not a comparable year. Scheduled elections postponed.	15	0	0	0	0	0
2019  Included European Parliamentary elections, and December UKPGE	595	142	34 (6%)	2	17 (3%)	0
2018  Local elections, England	266	57	7 (3%)	0	11 (4%)	1
2017  Included UKPGE (June), Local elections in England, Wales and Scotland, NI Assembly election	336	104	28 (8%)	1	22 (7%)	2
2016  Included EU referendum, local elections in England, PCCs SP election, NI Assembly election	270	117	45 (16%)	4	25 (9%)	3
2015  Included UKPGE, and local elections in England	518	119	26 (5%)	0	26 (5%)	4

68. Dr Jessica Garland of the Electoral Reform Society told us that, looking at the administration and conduct of elections, “the evidence on personation is not there, so it is hard to see something in that data that could justify [introducing voter ID]”.<sup>39</sup> The Electoral Reform Society in its written evidence took the most recent full year where elections took place (2019) and set out that in all elections there were 34 allegations of personation, which accounts for 0.000057% of over 58 million votes cast.<sup>40</sup> When the causation is made for the number of people cautioned or convicted of personation is considered, the percentage is further reduced to 0.0000035% of votes cast.

69. The low instances of personation at UK elections can be contrasted with the instances of personation in Northern Ireland at the 1983 general election which led to the introduction of a voter ID requirement in 1985. At the 1983 election, 949 tendered ballots were issued meaning people arrived at the polling station to be told a ballot has already been cast in their name. In total, there were 149 arrests for personation, resulting in 104 prosecutions in Northern Ireland in the wake of that election. Dr Stuart Wilks-Heeg of the University of Liverpool has further explained that following the introduction of a voter ID requirement in Northern Ireland:

While the numbers of tendered ballots, arrests and prosecutions for personation dropped at subsequent elections, evidence of personation persisted, including cases involving the use of forged medical cards as ID. As a result, the Electoral Fraud (Northern Ireland) Act 2002 specified that only particular forms of officially-issued forms of photographic ID were acceptable.<sup>41</sup>

Since the introduction of photographic voter ID in Northern Ireland, the Government has told us that there have been no reported instances of personation in Northern Ireland.<sup>42</sup>

70. In addition to the low levels of recorded personation, the Committee has also heard that studies of poll station workers and electoral agents also indicate that there is little electoral fraud and personation. Summarising studies that he and Professor Toby James had carried out of polling station workers in parliamentary and local elections in England, Dr Alistair Clark told us that:

What has been striking is the consistency of findings across different elections around the extent of any problem of electoral fraud and personation. Around 94–95% of polling station workers report no cases of being unsure of someone’s identity, while around 99% of polling station workers say that they have no concerns about electoral fraud in polling stations.<sup>43</sup>

71. Professor James, referring to the same studies, said that “only 0.7 per cent of poll workers were concerned that electoral fraud might have happened in their polling stations”.<sup>44</sup> He further explained that they had found that:

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39 [Q8](#)

40 Electoral Reform Society ([TEB0036](#))

41 Stuart Wilks-Heeg, [Voter ID at British Polling Stations – Learning the Right Lessons from Northern Ireland](#). Policy@Manchester Blog, 1 March 2018

42 [Letter from Chloe Smith MP, then Minister of State for the Constitution and Devolution on the Elections Bill: Impact Assessment and other matters](#), dated 8.9.21

43 Dr. Alistair Clark (Reader in Politics at Newcastle University) ([TEB0013](#))

44 Professor Toby S. JAMES (Professor of Politics and Public Policy at University of East Anglia) ([TEB0035](#))

Where concerns about ‘fraud’ were raised by poll workers, these were often the result of misunderstandings about the electoral process by voters. For example, some citizens were confused about the differences in eligibility between parliamentary and local registers and had in advertently registered on a register where they might not be eligible.<sup>45</sup>

72. Professor Fisher highlighted to the Committee that surveys of electoral agents he has carried out at every general election since 2005 indicate that perceptions of electoral fraud are isolated and “repeatedly show high levels of satisfaction with general electoral administration, and low levels of perception of electoral fraud”.<sup>46</sup>

73. In its evidence to the Committee, the Electoral Commission stated that:

The UK has low levels of proven electoral fraud, and voters should feel confident about their vote. However, our research has highlighted that it is an issue that concerns some voters. Two-thirds of people in our recent public opinion tracking research said they would feel more confident in the security of the voting system if there was a requirement to show identification.<sup>47</sup>

74. Professor Fisher however cautioned against giving too much weight to public opinion surveys in forming policy relating to electoral reform, telling the Committee that:

Public perceptions in respect of electoral integrity are frequently exaggerated. Where problems exist, they are rarely universal. As a consequence, recourse to public opinion alone is rarely a good guide to political reform.<sup>48</sup>

75. The Government has taken a different view from Professor Fisher and has drawn on the Electoral Commission’s survey in forming its policy. The then Minister for the Constitution and Devolution, Chloe Smith MP, set out to us that for the Government “one of the important measures for the integrity of our elections will be the confidence that people can have in our elections”.<sup>49</sup> However, the Government’s main argument in support of its policy decision to introduce a mandatory voter ID requirement is that the level of personation, and voter fraud more widely, at elections in the UK is under reported. The then responsible Minister told us:

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.<sup>50</sup>

76. When asked what levels of personation the Government think there has been at recent UK elections, the then responsible Minister said that:

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45 Professor Toby S. James (Professor of Politics and Public Policy at University of East Anglia) ([TEB0035](#))

46 Professor Justin Fisher (Professor of Political Science at Brunel University London) ([TEB0016](#))

47 The Electoral Commission ([TEB0006](#))

48 Professor Justin Fisher (Professor of Political Science at Brunel University London) ([TEB0016](#))

49 [Q101](#)

50 [Letter from Chloe Smith MP, Minister of State for the Constitution and Devolution on the Elections Bill: Impact Assessment and other matters](#), dated 8.9.21

it is simply not possible for me to give you a number answer to that question because it is a crime of deception. I cannot say how many of these crimes may have been committed because they are not possible to observe. The criminal will be away, having committed the crime, before you even know that it has been done. For example, if you were to turn up at the polling station later in the day, you simply would not know until you did that somebody had come earlier in the day, pretending to be Ronnie Cowan, and had stolen your vote. Naturally, then, I cannot give you a number to say how many times that might have happened. It is not just a number that it is possible to give.<sup>51</sup>

77. Furthermore, explaining why the Government think that personation is a problem that requires the introduction of a voter ID requirement, the then responsible Minister told us:

What we see happening is a funnel of the way that crime rates work for any category of crime. We can all be quite grown up about this and appreciate that there is the amount of activity that may happen followed by the amount of activity that somebody sees fit to report, followed by the amount of activity that might make its way through the police and the CPS, followed by the amount of activity that might then result in a conviction. It is perfectly obvious that in any crime you choose to analyse, there will be that funnel in operation. I am entirely open about the fact that in the case of personation that number at the end of that funnel is small. It is small, I agree. It is a small number that you see in the reports of personation over recent years. But what I cannot say—and I do not think anybody in this room could say—is how big that first number is, which is what level of activity is taking place. So that is why this section of this Bill is all about stopping the possibility of that activity happening in the first place, eliminating the fraud, eliminating a crime, which we think is the right thing to do. Indeed, it would be rather irresponsible not to do, because we need our elections to have integrity and people to have confidence in their votes.<sup>52</sup>

### Concerns regarding the impact of introducing mandatory voter ID

78. Many concerns have been raised regarding the effect that introducing a mandatory voter identification requirement might have on voter turnout overall, as well as the potential for it to disproportionately affect certain societal groups, in particular groups with protected characteristics.

79. Professor James highlighted that in the first election following the introduction of a photographic voter ID requirement in Northern Ireland, it is estimated that 25,000 voters, about 2.3% of the electorate, did not vote as a result. He said he thought the 2.3% figure was a reasonable expectation for the number of people who would not vote at elections following the introduction of voter ID. To extrapolate this data and apply it to a UK general election would mean that approximately 1.1 million people would not vote in such an election as a result of the introduction of a mandatory voter ID requirement, and as the

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51 [Q103](#)

52 [Q104](#)

Government’s own research indicates, this would not fall evenly across the population.<sup>53</sup> Professor James also pointed out that while it is often said that things are working well in Northern Ireland, “there has not been a detailed systematic evaluation of the situation since the initial introduction of photographic ID”.<sup>54</sup>

80. In evidence to the Committee and in its response to the Report of the Joint Committee on Human Rights (JCHR), the Government has been clear that it thinks the measures to introduce voter identification at polling stations are “proportionate and sensible”.<sup>55</sup> When the then responsible Minister was asked about the low number of allegations and convictions for personation compared to the figures for number of people who did not vote in Northern Ireland in 2003, and the 0.4% of people who were turned away and did not return during the 2019 Photographic voter ID pilots, she said:

the funnel for any crime is going to involve a number for what activity might have taken place, a number for how many allegations are made, and a number for how many convictions result ...

... The fundamental point remains as I have said. We are responsible for making sure that our elections are secure. There is an obvious vulnerability that is possible here, which is that somebody steals another person’s vote. We have already, through the passage of history, made our elections progressively more secure, progressively more inclusive, progressively towards what we would all want them to be. This is another step on that journey to make sure that we are stamping out this particular crime, so that people can have more confidence in our elections.<sup>56</sup>

81. The Committee received a significant number of pieces of evidence raising concern that the introduction of Voter ID would cause additional barriers to voting for particular groups and communities. A number of groups representing people with disabilities raise concerns about lower levels of appropriate identification documents and increased difficulties in obtaining them. For instance, the Royal National Institute for the Blind (RNIB) told us that a voter ID requirement “will disproportionately disenfranchise blind and partially sighted people, particularly older blind and partially sighted people”.<sup>57</sup> The Royal Mencap Society have raised a concern that “voter ID could simply result in yet another barrier to people with a learning disability participating in elections”.<sup>58</sup> Sense, the national charity that supports people with complex disabilities, also raised concerns that a voter ID requirement would disproportionately effect people with complex disabilities, stating that:

Given the barriers that already face disabled people while voting, Sense is concerned that this could make it harder for some disabled people to vote. While the Bill’s broad definition of photographic ID does partly mitigate the disproportionate effect on disabled people, any additional barrier could discourage more disabled people from getting involved in elections.<sup>59</sup>

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53 [Q19](#)

54 [Qq12–14](#)

55 Joint Committee on Human Rights, Seventh Special Report - Legislative Scrutiny: Elections Bill: Government Response to the Committee’s Fifth Report, [HC 911](#)

56 [Qq117–118](#)

57 Royal National Institute of Blind People (RNIB) ([TEB0041](#))

58 The Royal Mencap Society ([TEB0017](#))

59 Sense ([TEB0014](#))

82. Moreover, a number of submissions referenced the fact that the Government’s own research indicated that one in ten people with a disability said that having to present photographic identification at the polling station would make voting difficult for them.<sup>60</sup>

83. Concerns were also raised by groups representing LGBTQ+ communities. The LGBT Foundation for example raised concerns about transgender voters and non-binary voters being able to access appropriate forms of ID.<sup>61</sup> Mermaids told us that they think that the introduction of voter ID would “act to indirectly disenfranchise many trans people in the UK”.<sup>62</sup> Stonewall told us that they thought the requirement “risks disenfranchising marginalized communities—including those who are LGBTQ+”.<sup>63</sup>

84. The Runnymede Trust has raised concerns that inducing a voter ID requirement would add further barriers to voting for Black and Ethnic Minority groups who are already less likely to be registered to vote and significantly less likely to hold forms of ID such as a driving licence.<sup>64</sup>

85. Age UK raised concerns that a voter ID requirement would cause particular difficulties for older people.<sup>65</sup> Angela Kitching, Head of External Affairs at Age UK highlighted that the Government’s own research found that 6% of people over 70 years old would have problems presenting the right kind of ID. Added to this, she said Age UK had concerns that the Government’s research had excluded 500,000 people in situational care homes and sheltered accommodation. She went on to tell us:

These are not marginal figures. They are really significant numbers of older people and, to be honest, it is already not particularly easy for a lot of older people to get out to vote.<sup>66</sup>

86. She further said that the idea that some older people could apply and collect a free voter ID card and then get to the polling station to vote was “absolutely for the fairies” and that this “is not a feasible way of encouraging older people to exercise their rights to vote in person”.<sup>67</sup>

87. While several countries that are signatories to the European Convention on Human Rights (ECHR), such as Sweden, Italy and Switzerland, have voter ID requirements, questions have been raised as to whether the voter ID card provisions in the Bill would be compliant with the ECHR, given the apparent way in which the policy could have a varying impact on distinct groups of individuals with differing characteristics. Helen Mountfield QC told us:

I think there are two relevant provisions in the ECHR. One is the right in article 3 of the protocol to free and fair elections, so that is a duty on the state to create the structure for free and fair elections and an individual right to participate in them. The other one is article 14, the duty on the

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60 Cabinet Office, [Voter identification: photographic ID ownership in Great Britain](#), 11 May 2021; Sense ([TEB0014](#)); Inclusion Scotland ([TEB0029](#))

61 LGBT Foundation ([TEB0026](#))

62 Mermaids ([TEB0037](#))

63 Stonewall ([TEB0032](#))

64 The Runnymede Trust ([TEB0038](#))

65 Age UK ([TEB0005](#))

66 [Q15](#)

67 [Q15](#), [Q17](#)

United Kingdom to ensure equal enjoyment of the other right, so to ensure equal enjoyment of access to the right to vote. As to safeguards on free and fair elections, I think it is probably too soon to say whether there is a breach of international law. As other witnesses have said, other countries have different systems and there is, properly, a margin of appreciation that an international court will respect the way that an individual system does things. I think there is a Supreme Court challenge underway. I am not sure whether or not there would be said to be a breach of the right to create free and fair elections, but I think there is a real concern about the equal enjoyment provision in view of the statistics that have been introduced about the chilling effect of voter ID on older voters, poorer voters and ethnic minorities. In the absence of any analysis suggesting that there is a real risk of threat to the integrity of elections because of personation offences, there is a serious risk that this provision might be found to have a disproportionate effect on access to elections and the purported purpose of the measure.<sup>68</sup>

88. Helen Mountfield QC further suggested that in order to mitigate the risk of the Voter ID requirement provisions in the Bill breaching the ECHR, she thought that:

[they] should be time limited in the first instance and there should be proper provision to analyse the demographic effect of the provisions: who is coming in to vote and then finding that they can't, and are they returning; and is there a differential effect on the rich, the poor, the northern, the southern, the black and the white? If there is, there really is a serious legal problem. We have a duty to advance equality of opportunity and participation in public life under the Equality Act 2010. I would suggest that some kind of monitoring provisions are built in with an opportunity for Parliament to reconsider. That is what happened in the Transparency of Lobbying Act in 2014, when the Hodgson report a year later reviewed the operation of the Act.<sup>69</sup>

89. Addressing concerns expressed by the Joint Committee on Human Rights in its report, *Legislative Scrutiny: Elections Bill*, that introducing a voter ID requirement may have a discriminatory impact on certain groups, the Government has said that it “takes its Public Sector Equality Duty seriously and has given it due regard throughout the planning for implementation of voter identification, along with the wider Bill”.<sup>70</sup> The Government drew attention to the survey it commissioned and its awareness that some groups have a “slightly lower rate of identification ownership”.<sup>71</sup> The Government said it had considered in the Equalities Impact Assessment for the Bill “whether the provisions in the legislation could constitute either direct or indirect discrimination”.<sup>72</sup> The Government went on to set out some of the steps it has taken in this regard:

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68 [Q23](#)

69 [Q24](#)

70 Joint Committee on Human Rights, Seventh Special Report - Legislative Scrutiny: Elections Bill: Government Response to the Committee's Fifth Report, [HC 911](#)

71 Joint Committee on Human Rights, Seventh Special Report - Legislative Scrutiny: Elections Bill: Government Response to the Committee's Fifth Report, [HC 911](#)

72 Joint Committee on Human Rights, Seventh Special Report - Legislative Scrutiny: Elections Bill: Government Response to the Committee's Fifth Report, [HC 911](#)

Where there is potential for adverse impact on certain protected groups, mitigations, which are described in the assessment, will be put in place. Prime among these is the free Voter Card for anyone not in possession of relevant identification.

Additionally, the Government has and will continue to engage with charities and civil society organisations across the UK to ensure that voter identification works for all voters, and all groups are aware of the new requirements ...

... Finally, there will also be comprehensive, targeted communications with voters and guidance for electoral administrators by the Electoral Commission to raise awareness of voter identification requirements at the appropriate time.<sup>73</sup>

### Impact on electoral administrators

90. When asked about the practical and cost implications of implementing the Voter ID proposals, Peter Stanyon, Chief Executive Association of Electoral Administrators, described them as “[e]ffectively unquantifiable in many respects”.<sup>74</sup> He told us that the Bill is “quite rightly light on the practicalities because that will come in secondary legislation down the line”.<sup>75</sup> This however means that there are still a large number of details that are unknown for both electoral administrators who would have to implement the rules and for Members of Parliament who are being asked to pass the legislation. Mr Stanyon raised a number of concerns regarding the absence of details, for example whether voter ID cards would be issued up to the day before an election as they were in the pilots, saying that “[w]e question whether that is practicable in the runup to a parliamentary general election where we could have hundreds coming through the door at the last minute”.<sup>76</sup> Mr Stanyon also raised the concern that it is already a struggle to staff polling stations. He said voter ID requirement will add to the complexity of the role and will bring new pressures. For example, poll staff will have to assess what is an appropriate ID and accommodate the removal of face coverings to verify identity. The system established in the Bill means that:

it will come down to the individual in the station as to whether they agree that is a photo of that individual or not, and that becomes a judgment call. That can only be trained. There will be a need to resource up and make sure the correct training is given, but ultimately it is still a judgment call made by that individual on the day with that piece of information and there will be differences of opinion. All we can do is make sure that the training, the guidance, the back office support given to everybody involved in the process is as rounded and complete as possible in the circumstances.<sup>77</sup>

91. Addressing this issue, Dr Alistair Clark has raised the concern that:

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73 Joint Committee on Human Rights, Seventh Special Report - Legislative Scrutiny: Elections Bill: Government Response to the Committee's Fifth Report, [HC 911](#)

74 [Q21](#)

75 [Q21](#)

76 [Q21](#)

77 [Q22](#)

Voter ID will introduce a considerable element of poll worker discretion about whether to accept a voter's identification. Evidence from the USA has suggested that poll workers do not apply voter ID rules equally in all locations, with the suggestion that in places minority voters are asked for more stringent identification.<sup>78</sup>

### Financial cost of the Voter ID measures

92. The Impact Assessment published alongside the Bill estimates that the cost of the Voter ID measures would be £150 million.<sup>79</sup> This estimate is based on an assumed take-up of 2% (with a sensitivity analysis ranging from 1–4%). A survey carried out by the Government, which was also referred to in the Impact Assessment, found that 31% of people said they would apply for an voter ID card. When asked about the discrepancy between the Government's 2% estimate and the 31% figure, the then responsible Minister told us that the Government's 2% figure was based on their assessment that:

98% of people have the right identification, so that then suggests 2% of people may not. That is the starting point of how many people may require a free local voter card.<sup>80</sup>

93. She also suggested that the survey from which the 31% figure came from “did not take into account the full design of the scheme”.<sup>81</sup> This is because the question was “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”.<sup>82</sup>

94. The now responsible Minister, Kemi Badenoch MP, subsequently added to this explanation saying:

Whilst the Cabinet Office research indicated that 31% of people would be likely to apply for a Voter Card, respondents were not made explicitly aware at that point that only those electors without an accepted form of identification would need to apply for a Voter Card. Only 2% do not hold an approved form of identification therefore the 31% figure is not one that we consider suitable for projected costs. We estimate take-up of the Voter Card will be between 0.1–4% of the electorate, based on the data from the Cabinet Office research as well as a wide range of other evidence, including data from the 2018 and 2019 pilot evaluations, the Electoral Commission's 2021 public opinion tracker, and our own fieldwork.<sup>83</sup>

95. The Impact Assessment sets out that for each additional percentage point of the electorate seeking an ID card, a further £10.2 million is added to the overall costing. So if 31% of the electorate sought voter ID this would add around £300 million to the cost, raising the overall cost of the scheme from £150 million to £450 million. Further, if voter ID cards are to be renewed regularly, for example as often as the Bill will require the

78 Dr. Alistair Clark (Reader in Politics at Newcastle University) ([TEB0013](#))

79 [Elections Bill Impact Assessment](#)

80 [Q143](#)

81 [Q142](#)

82 [Letter from Chloe Smith MP, Minister of State for the Constitution and Devolution on the Elections Bill: Impact Assessment and other matters, dated 8.9.21](#)

83 [Letter from Kemi Badenoch MP, Joint Minister of State for Equalities and Levelling Up Communities on the Elections Bill - Follow up to the oral evidence of 14.9.21, dated 7.10.21](#)

renewal of postal vote applications, or if people misplace a form of ID they only use once a year, this would also likely increase the cost, although the Committee recognises that this cost is more difficult to accurately predict and calculate.

96. **The process of carrying out elections in the UK, the ease with which members of the electorate can cast their vote, and the trust that is shown in and by the electorate in general is an admirable and crucial tenet of our democratic process. These arrangements should be cherished and protected, and great care must be taken whenever consideration is given to altering them. Introducing a compulsory voter ID requirement risks upsetting the balance of our current electoral system, making it more difficult to vote and removing an element of the trust inherent in the current system.**

97. **The Government presented to the Committee a case that there is underreporting of personation at UK elections. While the Government refused to be drawn on how extensive it believes the underreporting has been, it has implied that it is at a significant enough level to justify introducing a compulsory voter ID requirement. What is clear is that there is currently no evidence of widespread personation at UK elections, though we note the former responsible Minister's observation that cases of electoral fraud are likely underreported, so that nobody can be sure that the reported number of cases accurately reflects the true scale of fraud being carried out. It is surprising and concerning that the Government has considered there to be a significant issue with the UK's elections system and has not endeavoured to seek out and present substantial evidence of those concerns. The research done to provide evidence to support this policy proposal has simply not been good enough. Given the Government's conviction on this issue, Ministers should have presented a more robust evidence base.**

98. **There have been concerns raised that introducing a voter ID requirement will negatively impact voter turnout. The evidence from what happened in Northern Ireland in 2003 following the move to a photographic ID suggests that a reduction of around 2.3% is possible. We cannot be sure whether this is a one-off drop or one that will continue, as continued monitoring of this issue did not take place in Northern Ireland. What is evident is that some reduction in voter turnout is possible as a result of implementing a voter ID requirement and that this may be the cost of using these measures to guard against the potential that personation could take place under the old system.**

99. *The Government has said the measures in the Bill are proportionate. Given the potential for a significant number of people not to vote as a consequence of the voter ID requirement, the Government should not proceed with its proposals for the introduction of ID for voting until at least it has set out the criteria that were used in this proportionality assessment and explained the weight given to each criteria in the assessment. The Committee notes the widely voiced concerns about the potential impact of the introduction of mandatory voter ID on certain societal groups and for some with protected characteristics, including people with disabilities, members of LGBTQ + communities, black and ethnic minority groups and older people and consequently recommends that the Government pauses legislation on this issue until further research and consultation has been undertaken into the impact on these groups and the potential of any mitigation measures with the aim of securing greater agreement for any voter ID proposals.*

100. We are pleased to see that the Government has included a monitoring and reporting requirement for voter ID in the Bill. *We recommend that close attention is given not only to the number of people who arrive without appropriate ID, but also the demographics of these people. In addition to this, the Committee recommends that parallel research is carried out to assess the number of people who are deterred from even attending a polling station due to the voter ID requirement. This will enable the wider impact on voter participation to be understood and assessed.*

101. The Committee appreciates that the Government has included a wide range of forms of identification in its list of acceptable identification in the Bill. The purpose of the Government's proposals to introduce a voter ID requirement are to ensure that the person who turns up at the polling station is the named person on the electoral register. To meet this requirement, all that is needed is an ID that has the person's name and their photograph. We recommend that any ID issued by a public authority, educational institutions, approved schemes such as PASS ID or a transport providers should be accepted as proof of identification for the purposes of voting at a polling station. To ensure clarity for administrators, the Government should produce a standardised design/guides for public bodies, educational institutions and transport providers to follow on issuing ID such as the inclusion of a PASS ID hologram.

102. We are concerned that the voter ID requirement will be burdensome to poll station staff. Many of the practicalities of the voter ID system are still to be set out and the Committee intends to monitor these closely. *We recommend that all regulations establishing the voter ID system are provided in draft to this and other interested Committees for scrutiny with sufficient time for comment, before they are introduced to the House.*

## 5 Voting for persons with disabilities

103. Clause 9 of the Bill replaces the current requirement for each polling station to provide a tactile voting device with a new requirement:

for Returning Officers to provide each polling station with such equipment as is reasonable to enable, or make it easier, for voters with disabilities (including, but not limited to, sight loss) to vote<sup>84</sup>

104. This change has been generally welcomed, but some concerns have been raised by the Royal National Institute for the Blind (RNIB) and Sense.

105. Sense has both welcomed and raised a concern in regard to the changes brought about by the Bill, saying:

Currently, under the Representation of the People Act 1983, polling stations must provide a tactile voting device to enable voters with sight loss to vote independently. Clause 8 (2) of the Elections Bill [Clause 9(2), as amended] would replace this with a new requirement to provide ‘such equipment as is reasonable to enable disabled people to vote’.

In principle, we would support a broader duty designed to enable all disabled people, including people with sight loss, to vote. However, the new wording of subsection 2 does not carry over the previous requirement to enable voters to vote ‘without any need for assistance’. As a result, polling stations will not be required to ensure that disabled people can vote independently.

We hope that this is no more than an oversight. Nevertheless, its effect is to weaken the requirement to enable disabled people to vote independently. An amendment to rectify this should be brought forward as soon as possible.<sup>85</sup>

106. The RNIB has similarly raised the concern that:

[t]he proposed changes significantly downgrade the legal protection for blind and partially sighted people and in our view the revised wording offers no more protection for disabled voters than already exists under the Equality Act. Reasonable adjustments must already be made.<sup>86</sup>

107. When asked about the change in the Bill and concerns about the ability for people to vote independently, the Chief Executive of the AEA, Peter Stanyon told us that:

The tactile voting device, the TVD, is prescribed currently in law. It does work but equally it has its limits. It is argued that it does not allow individuals to vote independently because there still needs to be the assistance of the staff in the station who are under secrecy provisions. We welcome that flexibility because one of the challenges presented by the current legislation is that it limits it to that one option and things have moved on. There are lots of things available and in the Accessibility of Elections Working Group that the Cabinet Office runs technology is moving on all the time. As a result

84 [Explanatory Notes](#) to the Elections bill p51–52

85 [Sense \(TEB0014\)](#)

86 [Royal National Institute of Blind People \(RNIB\) \(TEB0041\)](#)

of the court case that took place a couple of years, the judgment laid down was the advice given by Cabinet Office and the Electoral Commission to returning officers was to use the best forms possible in local circumstances. I think that is more helpful in is it using a smartphone, is it using some other form that is more suitable for that individual, whether that is someone with vision impairment or any other disability that will help them. The risk is that standards might drop and they would be different between different areas.

Although welcoming the flexibility that that brings in, I think there need to be slightly more requirements laid by the Electoral Commission for performance standards and the like to make absolutely certain that the best technology—the most appropriate technology solutions for whatever group of electors need assistance—is available and presented by returning officers to those individuals, depending on the needs in their individual areas. That goes back to one of the points that I think Angela mentioned about liaison between third-sector groups to make sure that there is an understanding of the pressures that need to be addressed in polling stations themselves.

We welcome it because the restriction is exactly that: it restricts it to one that has proven to be pretty good, but not perfect. Are there better ways? Lessening that restriction makes it slightly easier with the risk that comes alongside that.<sup>87</sup>

108. When asked about these concerns and the Government's intention behind Clause 8, the then responsible Minister, Chloe Smith MP, told us:

We are trying to do an important thing with this measure in the Bill, which is to widen the support made available for anyone and everybody who may have a disability or a need for that support. That is absolutely the right thing to do and I am committed to doing that ...

... I am aware of this argument, particularly from the RNIB. That is the argument you are drawing on there. I also add that I have been working for the RNIB for, literally, many years on these measures, including trialling at the May elections just passed methods for improving the tactile voting device and the support that goes around it. There is work to do here to make sure that our elections are accessible and that should include independence, quite rightly. We are all working towards that goal. There is no dispute about that. This clause that we are including in the Bill allows for that to be achieved. It is broad enough to allow for this goal to be achieved across a range of disabilities. Of course, it also functions in conjunction with other legislation like the equality Act and the general duty you see there. Electoral law has always added a more specific duty on top of that and we now making that duty go across a range of voters, all of whom, quite rightly, want to be able to cast their vote as independently as possible. We are seeking to enable that.<sup>88</sup>

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87 [Q25](#)

88 [Qq159–161](#)

109. We welcome the Government's move to update electoral law to widen the requirement for anyone and everybody who may have a disability or a need for support in casting their vote. We also take on board the concerns expressed by the Royal National Institute for the Blind and Sense about the potential for the legal protection for blind and partially sighted people to vote independently. *We recommend that the Electoral Commission be tasked with creating minimum standards for the equipment to be provided by electoral administrators. These standards should seek to ensure that people are able to vote independently where possible. The Committee recommends that the legal protection for blind and partially sighted people to vote independently is maintained as a requirement.*

110. There will inevitably be cost implications associated with widening the support for people with disabilities. *The Government should set out how much it expects new equipment to cost and indicate what financial support will be made available to local authorities to meet the new requirements.*

## 6 Postal and proxy voting

111. Clauses 2 to 6 and Schedules 2 and 3 deal with absentee voting, in particular postal and proxy voting.

112. In relation to postal voting, the Bill would remove the ability for a person to apply for a postal vote for an ongoing and indefinite period of time and instead creates a maximum three-year period for a postal vote. As the Electoral Commission explains:

This will help to ensure that postal voting personal identifiers (date of birth and signature) are up-to-date and accurate, and should reduce the risk of postal votes being rejected because these identifiers don't match when voters return postal ballot packs at elections.<sup>89</sup>

113. The Committee received written evidence from one person whose daughter had her vote rejected because her signature had changed between the time when she first applied for a postal vote at 16 and when she sent in her postal vote for a Scottish Parliamentary election at the age of 20. While this Bill would not affect these particular circumstances because this was a devolved election, the point about changes to signatures nonetheless applies.<sup>90</sup>

114. **The Government's reasons for making these changes to the laws on postal voting appear valid and justified to the Committee. *The Committee recommends that the Government sets out regulations to the effect that local authorities must notify people in advance of the expiry of a postal vote to ensure that they do not accidentally find themselves unable to vote at an election.***

115. The Bill also includes measures seeking to address the practice of so-called “vote harvesting”. To that end, Clause 3 bans political campaigners from handling voting documents, and introduces a criminal offence with a maximum penalty of two years for anyone that is caught committing that offence. It is however a defence for a person charged with this offence to evidence that they did not dishonestly handle the postal voting document for the purpose of promoting a particular outcome at an election. As the Electoral Commission has set out, this measure formalises the current approach encouraged by a voluntary Code of Conduct for Campaigners.<sup>91</sup>

116. Clause 5 and Schedule 3 of the Bill introduces a limit on a person's entitlement to vote as a proxy at UK Parliamentary elections and local government elections, limiting it in England to two people, or four people if they are overseas electors. Currently, a person can act as a proxy for an unlimited number of close relatives and two other people who are not classified as close relatives.

117. By way of justification for the legislative changes being introduced by these measures, the then responsible Minister, Chloe Smith MP, stated that there have been instances

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89 The Electoral Commission ([TEB0006](#))

90 Mr Mark Munro ([TEB0022](#))

91 The Electoral Commission ([TEB0006](#))

where proxy voting has been abused in the past.<sup>92</sup> Helen Mountfield QC also noted in her oral evidence to us that, in her view, “[i]t is uncontroversially a good thing” to “stamp down” on people holding multiple proxy votes.<sup>93</sup>

**118. We agree with the Government that it is sensible to limit the number of proxy votes that can be exercised by individuals to two for domestic electors, and four for overseas electors.**

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92 [Q151](#)

93 [Q2](#), [Q27](#)

## 7 Overseas electors and changes to the franchise for foreign nationals

119. Clause 11 of the Bill extends the franchise for overseas electors by removing the 15-year limit on overseas voters' right to vote in UK parliamentary elections, with additional measures around the process for registering as an overseas voter and declaring one's connection to a UK constituency (by satisfying a residency or registration condition).

120. The Bill amends the Representation of the People Act 1983 by introducing new eligibility criteria for a person to qualify as an overseas elector in a particular constituency, if they pass either:

- the registration condition—registered to vote in the past at an address in the constituency, or
- the residence condition—resident in the UK in the past at an address in the constituency but not registered on an electoral register.

121. The changes made by the Bill would meet part of the commitment in the Conservative Party Manifesto “to make it easier for British expats to vote in Parliamentary elections, and get rid of the arbitrary 15-year limit on their voting rights”.<sup>94</sup>

122. The Committee received several written submissions from British citizens based abroad in favour of removing this limit.<sup>95</sup> While broadly welcomed, it is not without some controversy, with Professor Fisher explaining that:

because those based overseas are not subject to the domestic measures introduced by any government. It is arguably perverse that an individual who will not be subject to any of the measures for whom they vote may nevertheless influence the composition of a UK government.<sup>96</sup>

123. We heard evidence that eligible overseas voters have in the past experienced postal ballots not arriving in time or failing to arrive at all.<sup>97</sup> The idea of electronic voting was suggested in a number of pieces of written evidence received by the Committee.<sup>98</sup> Dr Alistair Clark for example highlighted that in countries such as the United States of America, citizens “can receive absentee ballots via email, fax or internet download depending on their State of registration”. He concludes that:

It is regrettable therefore that the Bill did not provide for online methods of both electronic ballot download and online voting. This seems like a missed opportunity. This would have the potential in the longer run to reduce costs and administrative burdens impacting on both overseas voters and electoral administrators.

94 Conservative Party, [Conservative Party Manifesto: 2019 Get Brexit done Unleash Britain's Potential](#)

95 Brexpaters - Hear Our Voice ([TEB0020](#)), Conservatives Abroad ([TEB0051](#)) MBE Sue Wilson (Chair at Bremain in Spain); Lisa Burton (Vice Chair at Bremain in Spain) ([TEB0010](#)), British in Europe ASBL ([TEB0028](#))

96 Professor Justin Fisher (Professor of Political Science at Brunel University London) ([TEB0016](#))

97 Cross-Border Services Group ([TEB0045](#))

98 British in Europe ASBL ([TEB0028](#))

**124. The Committee welcomes the removal of the 15-year limit on overseas electors participating in UK parliamentary elections.**

125. Clause 11 and Schedule 7 implement changes to the eligibility of EU citizens to vote and stand as candidates in some UK elections. It introduces two categories for these purposes; a ‘qualifying EU citizen’ and an ‘EU citizen with retained rights’. This applies to all local government elections, including parish, London Mayoral, London Assembly, local authority mayoral, combined authority mayoral, PCC, and local government referendums and parish polls.

126. Qualifying EU citizens are defined as applying to persons where the UK has entered into a bilateral treaty with that person’s home state which includes eligibility to vote in elections and stand for election. Retained rights are applicable to those EU citizens who were those living in the UK before January 2021 who hold lawful immigration status, i.e. settled or pre-settled status or other forms of leave to enter or remain.

127. Concerns have been raised that this creates a third category of EU citizens in the UK, namely those from countries which don’t have a reciprocal deal and moved to UK after January 2021. For example, if France were not to agree such a deal, a French citizen living in UK before January 2021 could vote in some UK elections but a French person that moved to the UK in February 2021 could not. The EU citizens advocacy group the3million has argued that the proposed system is unfair, will deny tax-paying residents the ability to have a say in their communities, and is likely to add complexity and confusion as to who is eligible to vote.<sup>99</sup>

128. In Wales and Scotland, a residence criterion for voting rights has been established which means this proliferation of eligibility criteria is avoided. It does however mean that people resident in the UK who were previously not eligible to vote now are so that, for instance, a US citizen that has indefinite leave to remain is now eligible to vote in Scottish Parliament and local elections in Scotland.

129. Addressing these issues, Professor James told us that:

It is worth stressing that the franchise—who is entitled to participate in our elections across the United Kingdom—is the result of lots of historic agreements rather than a rationalised system. Certainly a system based on residency—meaning people who are affected by the outcome of that election, people who pay the taxes, people who receive public services—would be much clearer.<sup>100</sup>

**130. The proposals in the Bill on voting and candidacy rights of EU citizens would create a complex system that is likely to lead to confusion and difficulties for electoral administrators, electoral campaigners and voters in determining who is eligible to vote and stand for elections at local government elections in England and Police and Crime Commissioner elections in England and Wales. People from the same country will have different rights depending when they arrived in the UK. *The Committee recommends that the Government considers further the option of a residency-based approach in future reforms.***

99 TEB0040

100 Professor Toby S. JAMES (Professor of Politics and Public Policy at University of East Anglia) ([TEB0035](#))

## 8 The Electoral Commission

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### Background

131. Our Committee has an ongoing [inquiry on the work of the Electoral Commission](#). The recommendations set out in this Report on the Elections Bill therefore respond to the proposed accountability arrangements for the Electoral Commission set out in the Bill, and are without prejudice to future recommendations proposed by this Committee on measures to improve the effectiveness of and confidence in the Electoral Commission.

### *Statutory provisions governing the independence and accountability of the Electoral Commission*

132. The Electoral Commission was established by the Political Parties, Elections and Referendums Act 2000 (PPERA) to oversee elections and regulate political finance in the UK independently of the Government, following the CSPL's fifth report in 1998: '[The Funding of Political Parties in the United Kingdom](#)'.

133. The CSPL's 1998 report emphasised the fundamental importance of independence for the proposed Commission:

Those who have advocated the establishment of an Election Commission have been emphatic that it should be independent both of the government of the day and of the political parties. We agree. An Election Commission in a democracy like ours could not function properly, or indeed at all, unless it were scrupulously impartial and believed to be so by everyone seriously involved and by the public at large.<sup>101</sup>

134. In its 2007 review of the Electoral Commission, the CSPL highlighted the dual requirements of independence and accountability:

The regulation of party political finances and the electoral system involves potential conflicts of interest among members of the executive and the legislature—principally the House of Commons. Regulation of these areas can directly affect the political prospects of individual MPs, Ministers and their political parties. In a parliamentary democracy it is necessary for the regulator, The Electoral Commission, to be held accountable, either by the Government—and through it to Parliament—or by Parliament directly, particularly for the use of public money in fulfilling the statutory functions set for it by Parliament. But any system of accountability must also protect the Commission's independence and impartiality from the possibility of undue influence for partisan political or electoral advantage.<sup>102</sup>

135. The Electoral Commission is directly accountable to the UK's parliaments. It reports to the UK Parliament through the Speaker's Committee on the Electoral Commission, which has a statutory duty to review the Commission's financial estimates and plans

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101 [The Funding of Political Parties in the United Kingdom](#), Fifth Report of the Committee on Standards in Public Life, October 1998, Cm. 4057-1, Para. 11.7

102 [Review of the Electoral Commission](#), Eleventh Report Committee of Committee on Standards in Public Life, 2007, Cm 7006, para 4.1–4.2

and oversees the appointments of Electoral Commissioners. Our Committee also plays an important role in scrutinising the work of the Commission. The Commission is also accountable to the Scottish Parliament through the Scottish Parliamentary Corporate Body, and the Senedd through the Llywydd's Committee. The Government has published a diagram setting out the current accountability framework for the Electoral Commission.<sup>103</sup>

## Strategy and Policy Statement

136. New section 4A of PPERA (as inserted by Clause 13 of the Bill) empowers the Secretary of State to designate a Strategy and Policy Statement ('the Statement'), which sets strategic and policy priorities of the Government relating to electoral and similar matters, and the role and responsibilities of the Commission in enabling the Government to meet those priorities. The Statement may also give guidance in relation to particular functions of the Commission and may provide additional information. The Electoral Commission "must have regard to the [S]tatement when carrying out [its] functions".

137. The responsible Minister, Kemi Badenoch MP, summarises the provisions as follows:

... new section 4B(2) introduces a requirement for the Commission to have regard to the Statement in the discharge of its functions. This means that when carrying out its functions the Commission will be required to consider the Statement and weigh it up against any other relevant considerations. It works in similar ways to other existing statutory duties which require public bodies to 'have regard' to specific considerations in the carrying out of their functions. This duty does not replace or undermine the Commission's other statutory duties.<sup>104</sup>

138. In advance of publishing the Bill, the then responsible Minister, Chloe Smith MP, made the following Written Ministerial Statement in respect of changes impacting the Electoral Commission:

The public rightly expects effective and independent regulation of the electoral system. The Electoral Commission has a vital role to play in upholding the integrity of free and fair elections and public confidence in that integrity. As the independent regulatory body charged with such pivotal responsibilities, the Commission should be fully accountable to Parliament for the way it discharges its functions.

In recent years, some across the House have lost confidence in the work of the Commission and have questioned the adequacy of the existing accountability structures. We must reflect on the current structures charged with this important responsibility, enhance good practice and, where there is a need for change, be prepared to make it.

The Government is therefore announcing today that we will bring forward measures in the forthcoming Elections Bill to improve the Electoral

103 The 'Electoral Commission Accountability Framework' diagram can be downloaded as a PDF via the Written Ministerial Statement of 7 September 2021 ([HCWS269](#))

104 [Letter from Kemi Badenoch MP, Joint Minister of State for Equalities and Levelling Up Communities on the Elections Bill - Follow up to the oral evidence of 14.9.21, dated 7.10.21](#)

Commission’s accountability arrangements through the introduction of a Strategy and Policy Statement that sets out guidance and principles to which the Commission must give regard in exercising its functions.<sup>105</sup>

139. Oral and written evidence to this inquiry and the Committee’s ongoing inquiry into the work of the Electoral Commission has consistently emphasised the importance of the actual and perceived independence of the Electoral Commission (and electoral management bodies internationally) in upholding electoral integrity and retaining public confidence in electoral outcomes.

140. The Committee has not received any written submissions or oral evidence to this inquiry supporting the proposed Strategy and Policy Statement and wider changes to the scrutiny of the Electoral Commission. We note that several submissions to the Committee’s inquiry on the work of the Electoral Commission have expressed serious misgivings about the conduct and effectiveness of the regulator.

141. There have been strong criticisms from academics and a range of stakeholders that the measures lack justification and were characterised as a “retrograde step”,<sup>106</sup> “an extremely dangerous thing to do”<sup>107</sup> and “would constitute democratic backsliding”.<sup>108</sup> Professor Fisher points to surveys of election agents since 2005 which “have seen that confidence in the [Electoral Commission] has grown over this period ... there is no particular problem with those that the [Electoral Commission] regulates”.<sup>109</sup>

142. The Electoral Commission has stressed the need for it to remain strategically and operationally independent, to ensure “the system will be fair and impartial to everyone who operates within it, whether or not they are in a position to be part of designing the system”.<sup>110</sup> It is concerned that the “[S]tatement puts a duty of the commission board that is driven by one party, one player within the system ... This would put this particular party in a position of having privileged control and influence over the strategic direction of the commission”.<sup>111</sup>

143. The Government asserts that “[i]t is commonplace for the Government and Parliament to set a policy framework by which independent regulators should work”<sup>112</sup> and that other regulators such as Ofcom and Ofwat have a similar relationship with Ministers. However, the CSPL and various academics consider this a “completely false analogy ... [as] this is not a regulator that is implementing Government policy”,<sup>113</sup> but one that directly regulates the people and parties that make up the Government and Parliament. Professor Alan Renwick stresses that “ministers and parliamentarians should recognise their own potential conflict of interest”.<sup>114</sup>

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105 [HCWS100, Increasing Parliamentary Accountability in Electoral Policy, 17 June 2021](#)

106 [Q52](#)

107 [Q49](#)

108 Written evidence from Professor Toby James (TEB0035)

109 [Q52](#)

110 [Q50](#)

111 [Q51](#)

112 [HCWS100, Increasing Parliamentary Accountability in Electoral Policy, 17 June 2021](#)

113 [Q49](#)

114 Professor Alan Renwick (Professor of Comparative Politics and Deputy Director of the Constitution Unit at Constitution Unit, University College London) ([TEB0050](#))

144. In oral evidence to the Committee, the Director of Regulation at the Electoral Commission, Louise Edwards, stated:

Unlike, for example, the situation where a regulator is regulating energy, utility companies, and so on, you have a situation here where the same people who decide the regulatory framework are also regulated by it and, quite crucially, the people who decide the framework are a very small subset of those who are regulated by it. There are 400 registered political parties. Only a very small number of them sit in the UK Parliament or indeed any of the UK's Parliaments and that is before we start to think about the party campaigners, candidates, and others who are brought with the regime.<sup>115</sup>

145. In oral evidence to the Committee, the then responsible Minister, Chloe Smith MP, was not able to provide an international example of, or comparison to, the Government setting the policy priorities and potentially the guidance of the electoral regulator.<sup>116</sup>

146. The Government argues that there are clear safeguards on the face of the Bill to support the actual and perceived independence of the Electoral Commission. It has stated that the Statement would not amount to a “direction”<sup>117</sup> or “power for the Secretary of State to direct Commission on how to exercise its functions in any particular circumstance” as the Commission “must deliver those legal duties and statutory obligations while having regard to what is in the [S]tatement”.<sup>118</sup> The Government has also confirmed “that the normal grounds of judicial review will apply to the Strategy and Policy Statement”.<sup>119</sup>

147. Written and oral evidence has suggested that these safeguards could, and should be enhanced and “built into the legislation from the outset” to guard against potential abuse in the future.<sup>120</sup> The CSPL suggests incorporating the following statement (currently set out in the Explanatory Notes accompanying the Bill) on the face of the Bill: that the Electoral Commission “will be able to depart from this guidance [set out in the Statement] if it felt that was justified or if it had a statutory duty to fulfil”.<sup>121</sup>

**148. The Committee notes widespread concerns presented in written and oral evidence to this Committee that there was no formal or public consultation on these proposals and that there is a lack of supporting evidence to demonstrate that the proposed measures are both necessary and proportionate.**

**149. The Committee reiterates the importance in upholding the actual and/or perceived independence of the regulator and considers that effective scrutiny of the Electoral Commission’s work by the UK’s Parliaments is essential to ensuring the Commission is held to account in the discharge of its statutory duties. A regulatory framework which achieves this balance is crucial for upholding public confidence in the regulator and in electoral outcomes.**

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115 [Q50](#)

116 [Qq187–189](#)

117 [Q204](#)

118 [Qq204–205](#)

119 [Letter from Kemi Badenoch MP, Joint Minister of State for Equalities and Levelling Up Communities on the Elections Bill - Follow up to the oral evidence of 14.9.21, dated 7.10.21](#)

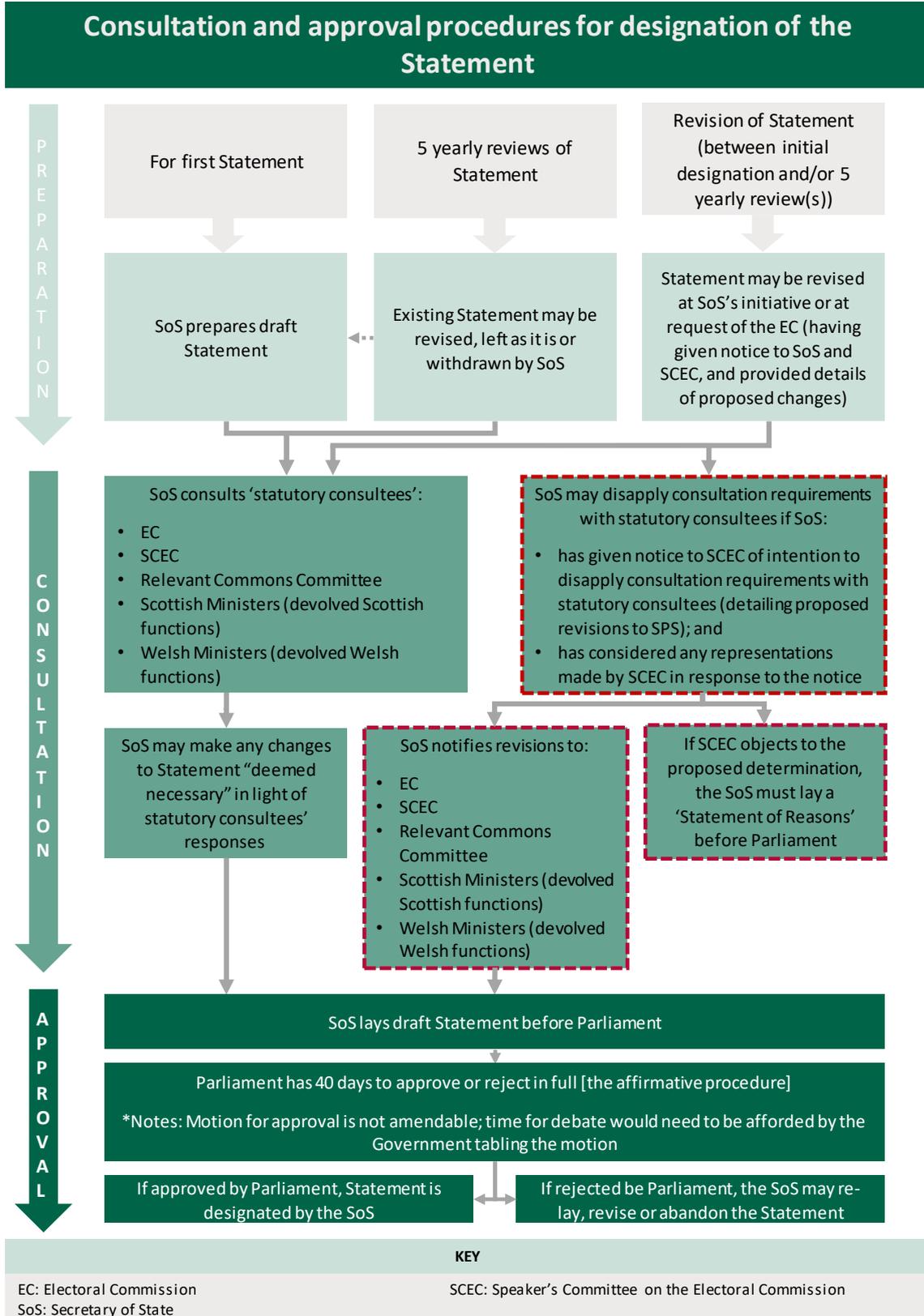
120 [Q51](#), [Q53](#)

121 [Committee on Standards in Public Life \(TEB0011\)](#); [Q49](#)

150. *The Committee considers that the substantive duty of the Electoral Commission to “have regard to the Statement” should be clarified. We recommend that the Bill be amended to provide that the Electoral Commission is able to depart from the guidance set out in the Statement if it has a statutory duty to do so or if it reasonably believes it is justified in specific circumstances. This amendment is necessary to give effect to the Government’s stated intention that the Statement will not amount to a power to direct the Electoral Commission, and to protect the Electoral Commission’s independence.*

## Consultation and approval mechanisms

151. The accompanying flowchart summarises the proposed consultation and approval processes for the new Strategy and Policy Statement.



## Consultation

152. The Bill sets out a statutory ‘consultation process’ with the following statutory consultees:

- a) the Commission,
- b) the Speaker’s Committee,
- c) Chair of the relevant House of Commons Committee for the purposes of Section 2(6)(b) of PPERA,
- d) the Scottish Ministers, so far as the draft relates to the Commission’s devolved Scottish functions, and
- e) the Welsh Ministers, so far as the draft relates to the Commission’s devolved Welsh functions.

153. The Secretary of State is required to consider whether changes are required to the draft Statement consulted on and may make whatever changes they consider “necessary in the light of the responses to the consultation”.<sup>122</sup> The Explanatory Notes say that “necessary” “could be none”.<sup>123</sup>

154. A Statement under new section 4A must be reviewed, and may be maintained, revised or withdrawn, after five years. The consultation process is the same as for the original Statement.

155. The Secretary of State also has the power to undertake a review and revision at any time, on their own initiative or at the request of the Electoral Commission which must supply details of the changes sought.

156. New section 4E(4) gives the Secretary of State the power to disapply the consultation requirements in respect of revising the Statement in certain cases. If the Secretary of State determines that the revised Statement need not be subject to consultation, they must consult the Speaker’s Committee on whether the proposed changes to the Statement warrant a statutory consultation and consider the Committee’s decision. If the Secretary of State rejects the Committee’s conclusion, they must lay before Parliament reasons for disapplying contrary to an objection of that Committee. The Secretary of State must then ‘notify’ the statutory consultees of the amendments, pursuant to new section 4(E)4.

157. The then responsible Minister, Chloe Smith MP, agreed “that that power [to disapply the consultation process] would be exercised sparingly, possibly in cases simply of triviality or extreme urgency ... and it would not be *carte blanche* for the Secretary of State to override the consultation process generally”.<sup>124</sup>

158. The then responsible Minister also provided “the assurance that [the Government] want to make sure that all those forms of consultation are meaningful” and committed “to let [PACAC] and the Committee stage of the Bill know more about how those consultations will be conducted”.<sup>125</sup>

122 PPERA, new clause 4C(3)(a)

123 [Explanatory Notes](#), para 387

124 [Q220](#)

125 [Q198](#)

159. In her letter of 7 October, the responsible Minister, Kemi Badenoch MP, reiterates the need for the Government to have flexibility to “make swift changes to the Statement when needed”:

This is because it would not be reasonable to require a statutory consultation for all potential changes to the Statement. Some of these changes will not be consequential enough to warrant a statutory consultation in addition to being already subject to parliamentary approval. It is therefore important to ensure that the revision process is flexible enough to allow the Government to make swift changes reflecting changing Government priorities whilst also maintaining appropriate levels of parliamentary scrutiny.<sup>126</sup>

160. **The Committee considers that the proposed consultation procedures require further clarification to ensure a transparent and meaningful consultation process.**

161. *The Committee urges the Government to provide guidance, as a matter of urgency, on the proposed consultation mechanisms, which should be agreed with the list of statutory consultees in advance of publication. We recommend that the guidance:*

- a) *sets out who will be consulted and when;*
- b) *provides minimum timeframes for the statutory consultees to respond;*
- c) *clarifies, through the use of examples, “necessary” in new section 4C(3) (Secretary of State’s power to amend following consultation) so that consultees have some certainty regarding their submissions and the Secretary of State is prevented from refusing to make amendments that would encroach on the Electoral Commission’s independence; and*
- d) *clarifies when new section 4(E)4 consultation requirements are likely to be disapplied.*

### Approval

162. In all cases of designation (whether for the original designation, five yearly review and/ or revision of the Statement), the draft Statement will be subject to Parliamentary approval via the affirmative procedure on a non-amendable motion. This means the Statement can either be accepted or rejected in full by Parliament within a 40-day period. The Statement must then be published in “whatever manner the Secretary of State considers appropriate”.<sup>127</sup>

163. In respect of parliamentary input into, and approval of, the Statement, the then responsible Minister, Chloe Smith MP, stated during the oral evidence session that:

I am envisaging significant debate on it... and that by that mechanism Parliament is fulfilling its role of being able to satisfy itself of what is in the [S]tatement<sup>128</sup> ...

126 [Letter from Kemi Badenoch MP, Joint Minister of State for Equalities and Levelling Up Communities on the Elections Bill - Follow up to the oral evidence of 14.9.21, dated 7.10.21](#)

127 PPERA, new clause 4A(4)

128 [Q193](#)

You will have debate, experience and insight flowing into the [S]tatement from the Chamber of the Commons as a whole and you will have SCEC then being able to use that statement at a much more granular level.<sup>129</sup>

164. In response to the Committee’s question on whether the Government had considered the ‘[super-affirmative \[parliamentary approval\] procedure](#)’ “on the basis that a Minister would be able to take into account the parliamentary debate and then amend, if necessary”, the then responsible Minister stated:

We have considered the full range of tools that could have been used, so the full range of types of parliamentary procedure. We think that what we have here is—as I have been arguing—a normal one, a reasonable one and one that will serve this function. It is important to reflect on the importance of debate. Parliamentary debate has a value in its own right, and on the natural function of being able to influence the Government as to what needs to go into the statement. The work of parliamentarians, at their best, includes influencing what goes in at the starting point, not just arguing about what comes out.<sup>130</sup>

165. The Committee sought further clarification on how the Government will facilitate debate of this Statement in both Houses and at what stage in the proposed designation process in its letter of 23 September.<sup>131</sup> The responsible Minister, Kemi Badenoch MP, responded as follows:

... as outlined in new section 4C, the Strategy and Policy Statement will be subject to parliamentary approval using the affirmative resolution procedure before being designated. Both Houses of Parliament will therefore have the opportunity to debate the Strategy and Policy Statement before determining whether to approve or reject the resolution in full. The length of these debates will be determined closer to the time following the procedural conventions in each House.<sup>132</sup>

166. The mechanisms for debate of the Statement will be determined by the “usual channels” and time for debate on the floor of the House would need to be afforded by the Government.

***167. Given the Government’s stated objective of improving parliamentary scrutiny of the Electoral Commission, we recommend the application of the ‘super-affirmative procedure’ for approval of the Statement, to ensure that parliamentarians have the formal opportunity to feed into and make recommendations on the draft Statement before it is laid for approval (via the ‘affirmative’ parliamentary approval procedure). We consider this additional scrutiny step is necessary and proportionate given the novelty and importance of the Statement.***

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129 [Q210](#)

130 [Q221](#)

131 [Letter to Rt Hon Michael Gove MP, Secretary of State, Department for Levelling Up, Housing and Communities on the Elections Bill – follow up to the oral evidence session of 14th September, dated 23.9.21, dated 23.9.21](#)

132 [Letter from Kemi Badenoch MP, Joint Minister of State for Equalities and Levelling Up Communities on the Elections Bill - Follow up to the oral evidence of 14.9.21, dated 7.10.21](#)

168. *At a minimum, under the affirmative procedure, the Government should set a precedent for any future governments by committing to find time for a debate on the Floor of the House of the Statement once laid in draft for approval.*

### *Role of the devolved administrations in consultation and approval*

169. Concerns about also been expressed by academics and the devolved administrations about the impact of these measures. The Welsh Government says:

We are concerned that the provisions in the Bill regarding the accountability of the Electoral Commission, as currently drafted, are not compatible with the accountability arrangements, established by the Senedd and Elections (Wales) Act 2020, between the Electoral Commission and the Llywydd's Committee in the Senedd ...

We consider that the duty to consult the Welsh Ministers on the proposed Strategy and Policy Statement as far as the draft relates to the Commission's devolved Welsh functions is insufficient.

For example, the Strategy and Policy Statement, issued without Senedd involvement, could result in additional costs to the Electoral Commission which, in devolved areas, would need to be met out of the Welsh Consolidated Fund, subject to agreement by the Senedd.<sup>133</sup>

170. Professor Renwick argues that “a review of Electoral Commission accountability is needed in light of the devolution of many electoral matters to the Scottish Parliament and Senedd.”<sup>134</sup>

## **The Speaker's Committee on the Electoral Commission**

### **Background**

171. The Speaker's Committee on the Electoral Commission (commonly referred to by the Government as “SCEC”) is a statutory body, created under PPERA. Its current membership is set out in section 2 of PPERA: the Speaker, Chair of the relevant House of Commons Committee for the purposes of Section 2(6)(b) of PPERA, the Minister for the Cabinet Office, the Minister with responsibility for local government, and five other MPs appointed by the Speaker. The additional five MPs must not be Ministers. Section 2 of PPERA does not require any particular party balance on the Committee.

172. Under PPERA, the Electoral Commission is currently accountable to the Speaker's Committee, to which it submits its five-year plans, annual plans and estimated requirements for resources. The Speaker's Committee also oversees the recruitment of the Chair of the Electoral Commission and Electoral Commissioners. In its Report of 2007 reviewing the Electoral Commission, the CSPL recommended that, in addition to its accountability to the Speaker's Committee, “more formal arrangements should be put in place for The Electoral Commission to give a wider account of its activities to Parliament”. As well

133 <https://senedd.wales/media/se2pxiww/lcm-ld14517-e.pdf>

134 Professor Alan Renwick (Professor of Comparative Politics and Deputy Director of the Constitution Unit at Constitution Unit, University College London) ([TEB0050](#))

as regular debates on the work of the Commission, CSPL recommended that the then Constitutional Affairs Select Committee “become the main mechanism through which the Commission can account for its performance to Parliament”.<sup>135</sup>

### *Proposed change in remit*

173. Clause 14 of the Bill amends PPERA 2000 to allow the Speaker’s Committee new powers to examine the performance by the Commission in relation to its duty to have regard to the Statement.<sup>136</sup>

174. The Electoral Commission will be required to publish an annual report and give it to the Speaker’s Committee setting out the consideration given to the Statement in the exercise of their functions.<sup>137</sup> The Bill’s Explanatory Notes suggest this requirement can be met in the annual report the Commission provides under its statutory annual reporting obligation to the House of Commons.<sup>138</sup>

175. The Explanatory Notes further state: “The regulator will remain independent and will be able to depart from this guidance if it felt that was justified or if it had a statutory duty to fulfil.”<sup>139</sup>

176. In response to the Committee’s question on the consequences of any disagreement, Joint Minister of State for Equalities and Levelling Up Communities, Kemi Badenoch MP, considers this will be determined by the Speaker’s Committee:

With regards to the Commission’s ability to depart from the guidance as set out in the Statement, Clause 13 [now 14, as amended] introduces a power for the SCEC to examine the performance by the Commission of its duty to have regard to the Strategy and Policy Statement but it does not confer on the Committee a duty or power to enforce or direct the Commission’s compliance with its duty under new section 4B(2). If the SCEC exercises its ability to examine the Commission’s performance against that duty, then the SCEC will be required to report on how it has exercised that function in line with the existing reporting requirements in PPERA. The Government’s view is that the SCEC may therefore choose to convey its views on the Commission’s duty to have regard to the Statement in this Report. Further, under Section 3(1) to the Schedule 2 of PPERA, the SCEC is able to determine its own procedure.<sup>140</sup>

**177. The Committee would support any measures that increase transparency in the way the Electoral Commission’s compliance with the Statement is assessed by the Speaker’s Committee.**

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135 As the Committee by whom the functions with respect to electoral matters (or functions substantially corresponding thereto) are currently exercisable (Section 2(6)(b) of PPERA)

136 PPERA, new section 13ZA(2)

137 PPERA, new clause 4B(4)

138 [Explanatory Notes](#), para 382

139 [Explanatory Notes](#), para 53

140 [Letter from Kemi Badenoch MP, Joint Minister of State for Equalities and Levelling Up Communities on the Elections Bill - Follow up to the oral evidence of 14.9.21, dated 7.10.21](#)

178. *The Speaker’s Committee may wish to develop the use of SMART objectives in monitoring and assessing the Electoral Commission’s compliance with the Statement. Furthermore, reports should clarify the consequences of any disagreement(s) between the Electoral Commission and the Speaker’s Committee.*

### **Proposed change in membership**

179. The Government proposes extending the membership of the Speaker’s Committee, to allow concurrent membership of the Speaker’s Committee for the Minister for the Cabinet Office and any Member of the House of Commons who is a “Minister of the Crown with responsibilities in relation to the constitution” or “is appointed to membership of the Committee by the Prime Minister in order to carry out those functions concurrently with the Minister for the Cabinet Office.”<sup>141</sup>

180. Written and oral evidence has raised strong concerns about the current composition of the Speaker’s Committee and the proposed change in membership.

181. In written and oral evidence to the Committee’s inquiries on the work of the Electoral Commission and the Elections Bill, various academics and electoral experts have expressed strong concerns that there is now a Government majority on the Speaker’s Committee—for the first time since its establishment.

182. In its written evidence to this inquiry, the CSPL states:

We noted with concern in our report that a majority of the members of the Speaker’s Committee are now from the governing party and we suggested that this should be addressed. This is needed to provide confidence among parliamentarians and the general public that the system is fair. This is even more important in view of the increased powers for the Speaker’s Committee to scrutinise the Commission, as set out in the Elections Bill.<sup>142</sup>

183. In his written submission to the Committee, Professor Alan Renwick also stresses that independence of the Commission requires cross-party consensus to be maintained:

For the Commission’s independence and impartiality to be maintained and seen to be maintained, its governance arrangements must be cross-partisan and non-partisan. For the body responsible for recommending Commissioner appointments—and potentially for scrutinising a Strategy and Policy Statement—to have a majority from one party breaches a basic principle of electoral integrity.<sup>143</sup>

184. In response to questions about the current Government majority on the Committee, the then responsible Minister, Chloe Smith MP, stated:

It might be worth being clear here that it does not have what some have called an in-built Government majority. What you have is the five Back Bench members of the Committee, who are not Ministers of the Crown, appointed by the Speaker himself. It is unsurprising that its composition

141 Clause 15 of the Bill, as amended by the Public Bill Committee

142 Committee on Standards in Public Life ([TEB0011](#))

143 Professor Alan Renwick (Professor of Comparative Politics and Deputy Director of the Constitution Unit at Constitution Unit, University College London) ([TEB0050](#))

reflects the position of the parties in Parliament; in other words, the wider majority of the House of Commons. It is perhaps also helpful to be clear that there is a minor measure in the Bill that effectively allows for one of the Ministers to be substituted by another and is not an additional Minister. I welcome the chance to make that absolutely clear.<sup>144</sup>

185. Dr Alistair Clark argues that Ministerial attendance should not be part of parliamentary accountability. He also argues that there is little transparency over the Committee's deliberations, and it is therefore unclear if the interests of voters are considered. Dr Clark also recommends the addition of lay members to the Speaker's Committee to represent interests other than just those of political parties. He points to the precedence of the Committee on Standards in the House of Commons and the Speaker's Committee on IPSA, both of which have lay members.<sup>145</sup> Dr Clark's proposal of lay membership has been strongly supported by academics, including Dr Sam Power,<sup>146</sup> Professor Toby James<sup>147</sup> and Professor Alan Renwick,<sup>148</sup> and civil society organisations such as Unlock Democracy.<sup>149</sup>

186. The option of lay membership for the Speaker's Committee appears to have been rejected by the Government. In oral evidence to the Committee, the then responsible Minister, Chloe Smith MP, stated:

Because I think what we are looking at centrally is parliamentary procedure, where MPs will be having a vote on the statement. That is centrally about Parliament doing that job. It cannot be about lay membership there.<sup>150</sup>

**187. Noting the importance in maintaining the perceived and actual independence of the Electoral Commission, the body which scrutinises the Electoral Commission's compliance with the Statement and will play a key role in the consultation process (including providing any objections to the disapplication of the consultation procedures) must itself be seen to exercise its powers impartially and with cross-party support. We note support from external stakeholders for including lay members on the Speaker's Committee and that no single party exercises a majority on the Committee.**

### Inter-relationship between Clauses 13 to 15 of the Bill

188. As set out above, the Government claims that the proposed measures on the Electoral Commission will enhance the Commission's accountability to Parliament.

189. However, concerns have been raised by a range of stakeholders that:

- a) the current proposals allow the Secretary of State wide discretion in the consultation process leading to the draft Statement being laid before Parliament;

144 [Q211](#)

145 Public Administration and Constitutional Affairs Committee, [Oral evidence: Work of the Electoral Commission](#), 9 March 2021, [Q129](#); Dr. Alistair Clark (Reader in Politics at Newcastle University) ([TEB0013](#))

146 Dr Sam Power (Lecturer at University of Sussex) ([TEB0018](#))

147 Professor Toby S. JAMES (Professor of Politics and Public Policy at University of East Anglia) ([TEB0035](#))

148 Professor Toby S. JAMES (Professor of Politics and Public Policy at University of East Anglia) ([TEB0035](#))

149 Unlock Democracy ([TEB0039](#))

150 [Q219](#)

- b) the proposals are not clear what “meaningful debate” by Parliament on the Statement will be enabled by the Government, given that the motion to approve the Statement comes at the end of the ‘drafting process’ and cannot be amended, but must be accepted or rejected in its entirety; and
- c) the proposed change in membership of the Speaker’s Committee, which appoints the Commissioners and will hold the Commission to account, could impact the perceived or actual independence of the Commission; and
- d) the impacts on the devolved administrations have not be duly considered.

190. **The Government has not demonstrated that the proposed measures impacting the Electoral Commission are both necessary and proportionate, and therefore risks undermining public confidence in the effective and independent regulation of the electoral system.**

191. **The Committee considers that transparency and confidence in the proposed measures impacting the Electoral Commission could have been enhanced if the Government had first conducted a public consultation on the proposed measures—including the consultation, designation and approval mechanisms for the Statement, and changes in the composition of the Speaker’s Committee.**

192. **The Committee’s inquiry into the work of the Electoral Commission is ongoing, covering a wide range of issues including the regulator’s governance and accountability arrangements.**

193. *We recommend that—notwithstanding the proposed recommendations set out above in paragraphs 150, 161, 167, 168 and 178—Clauses 13 to 15 of the Bill are removed, pending a formal public consultation on the proposed measures and to take into account any recommendations put forward by this Committee in its final report on the work of the Electoral Commission.*

## Criminal proceedings

194. Clause 16 of the Bill would amend paragraph 2 of Schedule 1 to PPERA to expressly remove the potential for the Commission to bring criminal prosecutions in England, Wales and Northern Ireland. This will not apply in Scotland where there is already a single prosecutorial authority.

195. The Government asserts that this power should not be exercised by the Electoral Commission as “this has never been explicitly agreed by the Government or Parliament” and “could risk wasting public money whilst also duplicating the work of the prosecution authorities who are already experts in this domain”.<sup>151</sup>

196. The Electoral Commission, by contrast, considers that “the Commission’s current powers to establish a prosecution function are consistent with those available to many other regulators” and that the proposed measure would “reduce the scope for political finance offences to be prosecuted, relying solely on the police and prosecutors having the

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151 [Letter from Kemi Badenoch MP, Joint Minister of State for Equalities and Levelling Up Communities on the Elections Bill - Follow up to the oral evidence of 14.9.21, dated 7.10.21](#)

resources and will to take action”. It notes that the current low levels of prosecution for a PPERA offence (referencing one in the past twenty years) have “important implications for deterrence.”<sup>152</sup>

197. Pete O’Doherty, Assistant Chief Constable, Thames Valley Police noted:

the current state of legislation has created a two-tier system with parties and non-parties being investigated and regulated by the commission with civil penalties imposed, while of course candidates and individuals by the police, who will end up with much more severe sentences and even criminal records. Also the relationship between the police and the commission is very strong, and having organisations that apply two very different pieces of legislation is not ideal. For example, it can cause issues in deciding what should be classed as party and what should be classed as candidate expenses, to give you an example.<sup>153</sup>

198. The Government notes that the CSPL’s recent report on electoral finance regulation did not recommend that the Electoral Commission should be able to develop the capacity to bring prosecutions. It stresses that it:

is committed instead to supporting the police as necessary to enforce electoral regulation proactively and effectively and as stated in the Government’s response to the Committee on Standards in Public Life’s report, the local nature of offences under the Representation of the People Act 1983 means that it is sensible for investigations to lie with local forces police, rather than being run on a national scale. The Government will consider further the Committee’s findings and recommendations, including on enforcement of electoral law.<sup>154</sup>

**199. The Government has not clarified whether more resources and training will be provided to the police and Crown Prosecution Service (CPS) and Public Prosecution Service in Northern Ireland (PPS) to investigate alleged criminal offences under PPERA.**

**200. *The Government should set out how it will “support the police as necessary to enforce electoral regulation proactively and effectively”, as committed by the Government in its letter to the Committee of 7 October 2021, including what resources it will make available to the police to investigate and bring forward criminal prosecutions under PPERA.***

**201. *We urge the Government to commit to review, monitor and report on potential criminal breaches under PPERA and their enforcement, which would assist in bringing forward any further legislative changes to either the civil and/or criminal sanctioning regimes. The Government should publish its findings and lay a Statement in Parliament every year.***

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152 The Electoral Commission ([TEB0006](#))

153 [Q66](#)

154 [Letter from Kemi Badenoch MP, Joint Minister of State for Equalities and Levelling Up Communities on the Elections Bill - Follow up to the oral evidence of 14.9.21, dated 7.10.21](#)

***202. The Government should also commit to undertaking a review of the civil sanctioning regime for electoral law offences and its interplay with criminal prosecutions under PPERA and the RPA, providing a timetable for consultation and review of the CSPL's recommendations in this regard.***

## 9 Regulation of Expenditure

203. The proposed changes to the regulation of campaign expenditure are summarised in section 11.4 of the [House of Commons Library paper on the Elections Bill](#).

204. There is widespread support for the requirement for new parties to declare assets and liabilities over £500 upon registration with the Electoral Commission, and the clarification that third party campaigning should be restricted to UK-based entities and eligible overseas electors.

205. The proposed changes to the notional expenditure rules set out in Clauses 17 to 19 of the Bill are broadly welcomed. These clarify that candidates need only to report benefits in kind—property, goods, services and facilities that are given to the candidate at a discount, or for free—that they have used themselves, or which they or their agent have authorised, directed or encouraged someone else to use on the candidate’s behalf. However, Professor Fisher considers that the term “encouraged by” could potentially lead to confusion and requires further clarification to ensure the rules are understood and complied with:

I have some concerns in respect of some of the wording in the Bill, particularly around the notion of something being encouraged by the candidate or the candidate’s electoral agent, because it seems to me that there is a risk there that there is no proper paper trail and it could lead to blame being apportioned incorrectly ... I think it is very important that there is a clear paper trail [and] ... it needs to be crystal clear who the responsible person in the national party is in respect of authorising this expenditure.”<sup>155</sup>

206. Clause 24 (third parties capable of giving notification for purposes of Part 6 of PPERA) gives the Secretary of State the power to add, remove or otherwise amend the list of eligible third-party campaigners in Section 88 of PPERA by statutory instrument (under the affirmative procedure). Responding to concerns from trade unions and civil society organisations raised in written evidence to this Committee<sup>156</sup> that the Secretary of State will be able to exclude whole categories of organisations and individuals from campaigning, the then responsible Minister stated:

... people do not need to have a fear that there is going to be some redefinition of a campaigner. That is not the case. What we are looking at is the list that you can find in section 88 of PPERA that interacts with the definition of campaigner.

... What we [the Government] are doing is creating a sensible, order-making power to ensure that no group is missed off that list and that, should it need to be amended later, you do not need to reopen a whole Bill to do so but you can do that in secondary legislation.<sup>157</sup>

207. The evidence relating to Clause 25 (introduction of lower-tier expenditure limit) has been mixed; whilst some stakeholders support the attempts to increase transparency,

155 [Q69](#) and Professor Justin Fisher (Professor of Political Science at Brunel University London) ([TEB0016](#))

156 [Best for Britain \(TEB0003\)](#); [Trades Union Congress \(TEB0034\)](#); [Bond \(TEB0053\)](#)

157 [Q235](#)

others assert that the new lower-tier expenditure limit potentially cause confusion and add extra burdens, particularly for charities, which may damage democratic activity. This tension is highlighted by Dr Sam Power:

The worry in creating a lower (i.e. lesser) tier of regulation is that it risks making the law more complex than it need be. The issue that may be run into with regards to a ‘lower tier’ of regulation is that it adds to the complexity of existing electoral law—which is a contributing factor to the aforementioned administrative burden on campaigners—whilst adding little else of worth. In other words, if there are transparency concerns surrounding third parties that spend above £10,000 that said reform addresses, why not simply lower the threshold for disclosure?<sup>158</sup>

208. We have also heard a wide range of views on the proposed extension of reporting requirements for spending on joint campaigns to include political parties and third-party campaigners who are working together at an election (as set out in Clause 26 on joint campaigning by registered parties and third parties).

209. Professor Fisher supports the rule in principle, but recommends removing this Clause from the Bill altogether, pending a wholesale review of the joint spending rules. He points to evidence that existing joint spending rules applicable to third party campaigners “are not fit for purpose” and that Clause 26 risks “piling uncertainty on existing uncertainty”:

To return to a question that was asked earlier about public confidence in elections, what has the real potential to damage confidence is if we have constant recourse to the courts and campaigners finding themselves on the end of investigations because of poorly drafted legislation, not because they are seeking to rig the election in any way.<sup>159</sup>

210. Clause 26 has also been strongly criticised by the TUC and the National Trade Union and Labour Party Liaison Organisation (National TULO), which claim the provision is “an attack on freedom of association and speech”<sup>160</sup> and “may contribute to the well documented “chilling effect” that leads organisations to self-exclude from elections campaigning”.<sup>161</sup>

## The CSPL’s recommendations on regulating election finance

211. The CSPL’s report of July 2021 on the regulation of election finance<sup>162</sup> presented a package of reforms aimed at enhancing the transparency and effectiveness of regulation of election finance. It was published two days after the Bill was introduced, but was widely trailed by stakeholders and the media given the breadth of the review.

212. The CSPL’s written evidence to the Committee’s inquiry stresses that “[t]he Elections Bill presents an immediate opportunity to incorporate [its] recommendations” and considers that “the most important of those that would appear to require legislation are”:

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158 Dr Sam Power (Lecturer at University of Sussex) ([TEB0018](#))

159 [Q70](#)

160 National TULO ([TEB0030](#))

161 Trades Union Congress ([TEB0034](#))

162 [Regulating Election Finance: A Review by the Committee on Standards in Public Life](#), July 2021

- a) decriminalising offences which relate to essentially administrative requirements (recommendation 27);
  - b) extending powers for the Commission to compel the provision of information outside an investigation to include any person who may hold relevant material (recommendation 33);
  - c) timeframes for Commission investigations that govern the period during which an investigation may be opened and the duration of an investigation (recommendation 35 and 36);
  - d) an increase in the maximum fine the Commission may impose to 4% of a campaign's total spend or £500,000, whichever is higher (recommendation 37);
  - e) reducing bureaucracy to make the system easier for those who must comply with it (recommendations 39 - 44);
  - f) extending the civil sanctions regime administered by the Commission to include candidate finance laws, ending the current 'cliff edge' where candidates could face either criminal prosecution or nothing (recommendation 45); and
  - g) the development of a secure online facility for the submission, certification and publication of candidates' election expenses returns (recommendation 46) ...
- [and]
- ... timeframes for reporting campaign expenditure.<sup>163</sup>

213. The then responsible Minister, Chloe Smith MP, noted in her evidence to this Committee that “[i]t is not always possible to turn on a sixpence in the middle of a Bill’s proceedings, to suddenly include 50 recommendations that have been made a few months beforehand. That is just a rather boring process point but I think it is fair to say here.”<sup>164</sup>

214. The Government’s interim response to the CSPL report notes it will “take the necessary time to fully understand the impact of each of the recommendations before considering whether or not to put any into law”.

**215. We note the Government’s insistence that it is not able to incorporate a number of measures in the Bill now that it has been introduced. However, the Government has changed the scope of the Bill after introduction by amending the Bill at Committee stage to bring about a change in voting system for certain elections (as detailed in section 11 below). Furthermore, the Committee notes that the Government still has an opportunity to put forward and/or support amendments that implement the recommendations identified by the CSPL as the Bill progresses through its remaining stages in both Houses.**

163 Committee on Standards in Public Life ([TEB0011](#))

164 [Q229](#)

216. The Government's response to the CSPL report on electoral finance regulation provides no indication of which of its recommendations (not already included in the Bill) the Government is likely to adopt (via amendment), prioritise for consultation or when or how the Government proposes to give legislative effect to recommendations that will not be included in the Bill. *The Government should give clarity on its next steps in this regard.*

## 10 Digital imprints on campaign material

217. The Bill would extend imprints to digital campaign material (as is currently the case in Scotland). This will help voters know who is paying for what they see. It will also apply to some unpaid material if it is produced by a regulated party or campaigner.

218. There appears to be widespread support across the electoral community for the introduction of digital imprints, which is regarded as a long overdue but necessary step in helping increase transparency in online campaigning. However, written and oral evidence to our inquiry has highlighted concerns about the implementation and enforcement of the measures proposed in the Bill.

219. The Electoral Commission considers that the proposed differentiation between ‘paid for’ and ‘unpaid for’ advertising material could cause confusion or lead to unintended consequences:

The transparency of digital campaigning could be further improved for voters if the digital imprint rules were extended to cover all material from campaigners, even those not registered with us, regardless of whether or not they paid to promote it. The rules would not currently require imprints to be placed on digital material from unregistered campaigners that is not a paid-for advert ...

It will be important for the legislation to give a clear definition of what is meant by ‘political material’, so that anyone publishing material that could be covered by this proposal can understand and follow the new rules.<sup>165</sup>

220. Questions have also been raised over the capacity of the Electoral Commission and the police to effectively monitor and enforce digital imprints, given the resourcing implications (as investigations are likely to be resource intensive and must consider the likelihood of success as well as the public interest) and challenges arising from the cross-border nature of digital campaigning and territorial jurisdiction.<sup>166</sup>

221. Several stakeholders and academics consider that more is needed to increase transparency in digital campaigning—such as a renewed focus on citizen engagement and digital literacy campaigns and more detailed invoices on digital spending and reporting.<sup>167</sup>

222. The responsible Minister, in recent evidence to the Public Bill Committee notes that:

We [the Government] must ensure that the digital imprints regime is capable of adapting to the fast-moving world of digital campaigning and technological advances. Therefore, the measures also provide for the information that is required to be included in the imprint to be modified, if necessary, using a regulation-making power.<sup>168</sup>

165 <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/elections-bill/introducing-digital-imprints>

166 [Qq74–76](#)

167 Dr Sam Power (Lecturer at University of Sussex) (TEB0018); Committee on Standards in Public Life (TEB0011)

168 [https://publications.parliament.uk/pa/bills/cbill/58-02/0138/amend/PBC138\\_ElectionsBill\\_1st-12th\\_Compilation\\_26\\_10\\_2021.pdf](https://publications.parliament.uk/pa/bills/cbill/58-02/0138/amend/PBC138_ElectionsBill_1st-12th_Compilation_26_10_2021.pdf), p342

223. The delegated powers memorandum notes this “regulation-making power” gives the Government the power to modify the definitions of “electronic material”, the “promoter” or “publish”, “where the regulations give effect to a recommendation by, or after consultation with the Electoral Commission, and by affirmative parliamentary procedure”.<sup>169</sup>

***224. Acknowledging the need for legislation to keep pace with rapid technological changes, the Government should commit to monitoring and conducting regular reviews of the digital imprints scheme, to ensure effectiveness in the monitoring and enforcement of the legislation and to prevent any unintended consequences or loopholes.***

## 11 Simple majority system to be used in elections for certain offices

225. Clause 10 of the Bill was inserted during the Bill’s Committee stage in the House of Commons and proposes changing the voting system for all Police and Crime Commissioners (PCCs), Combined Authority and Local Authority Mayoral and London Mayoral elections to a ‘First Past the Post’ (FPTP) electoral system. The Government’s intention to include this change in the Bill was announced in a Written Ministerial Statement on 15 September, after the then responsible Minister, Chloe Smith MP, had given oral evidence before this Committee.

226. In a letter following up on the then responsible Minister’s appearance, the now responsible Minister, Kemi Badenoch MP, explained that:

[the] Home secretary had announced in March 2021, at the conclusion of Part One of the PCC Review, the Government’s intention to introduce legislation to change the voting system for PCCs, the Mayor of London and Combined Authority Mayors when Parliamentary time allowed.<sup>170</sup>

227. In correspondence received by the Committee from several Combined Authority Mayors, it is clear that the inclusion of this change to the election system in the Elections Bill came as a surprise to them, and they felt they and their local communities were not consulted properly on proposed changes to the way elections to their offices operate. For example, Dan Jarvis, Mayor of South Yorkshire, said that:

the government has not consulted with local communities on this major change even though the last time a government proposed a reform of the electoral system they put it to a referendum. Greater local consultation would have been carried out for a mid-sized infrastructure project than they have offered for a major constitutional change.<sup>171</sup>

228. Similarly, Jamie Driscoll, Mayor of the North of Tyne Combined Authority, expressed concern about the top down way this change was being made. Telling us:

As a matter of principle major constitutional changes should not be imposed on local areas without full consultation and without taking into account local preferences. To do otherwise runs directly counter to the principle of local control which devolution is meant to enshrine, and inevitably fuels cynicism and growing loss of trust in our democracy.<sup>172</sup>

229. The Rt. Hon. Andy Burnham, Mayor of Greater Manchester Combined Authority, disagreed with the Government’s assertion that voters are “confused by the current supplementary vote system” applicable to elections for his current office. He further stated that:

170 [Letter from Kemi Badenoch MP, Joint Minister of State for Equalities and Levelling Up Communities on the Elections Bill - Follow up to the oral evidence of 14.9.21, dated 7.10.21](#)

171 [Dan Jarvis MBE MP \(Mayor at South Yorkshire Mayoral Combined Authority\) \(TEB0060\)](#)

172 [Jamie Driscoll \(Mayor of the North of Tyne Combined Authority\) \(TEB0057\)](#)

The Government has also argued that it wants to bring these elections in line with other English or UK-wide elections. However, the comparison between Mayoral elections and those of MPs or local councillors is a false one. As Mayor, I am elected as an individual executive decision-maker, not to be part of a wider legislature. That difference is important and drives the need for a different electoral system.<sup>173</sup>

230. The view that the supplementary vote system was a positive one for the role of mayor was also expressed by Dan Norris, Mayor of the West of England Combined Authority. He told us:

For mayoral elections, the present supplementary voting method allows voters to express a second preference, if no candidate receives 50% of the vote, second preferences are taken into account. I believe that this ensures that a candidate must have a larger base of support to win and that this is more helpful to the democratic process and paves the way for more collective working. A Metro Mayor with a broader basis of support will find it easier to take the difficult decisions that need to be taken in order to be effective.<sup>174</sup>

231. Andy Street, Mayor of the West Midlands Combined Authority, however said he felt the Government's proposals to move to the FPTP system provided "simplicity and clarity" and that the "supplementary vote system is widely misunderstood, despite attempts to explain it". he further added

Numerous people have spoken to me about their confusion about how to use their votes and most importantly whether to use their votes. Confusion about the electoral process is not good for democracy and I am sure resulted in people effectively losing their vote through misunderstanding.<sup>175</sup>

**232. Regardless of the benefits or disadvantages of the changes made by the Bill to the electoral system for those offices, the manner in which the proposed legislative change was brought about is unsatisfactory. Making changes such as this after the Bill has been introduced and debated at Second Reading is disrespectful to the House.**

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173 Andy Burnham (Mayor at Greater Manchester Combined Authority (GMCA)) ([TEB0058](#))

174 Dan Norris (Metro Mayor at Metro Mayor for the West of England) ([TEB0059](#))

175 Andy Street CBE (Mayor of the West Midlands at Mayor of the West Midlands) ([TEB0055](#))

## Conclusions and recommendations

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### Purpose and scope of the Bill: A missed opportunity for urgent reforms?

1. The Committee notes that electoral law in the UK is voluminous and fragmented across a raft of primary legislation and accompanying secondary legislation. We believe that there is a risk that this Bill will add further complexity. (Paragraph 21)
2. As the Government itself acknowledges, the time available for legislative change is limited and the matter of consolidating electoral law a long and widely recommended, but challenging undertaking. (Paragraph 22)
3. Whilst a number of the proposed measures have been widely supported, including on undue influence, the Government's decision to focus on several 'standalone' reforms shows a lack of ambition. It has missed the only opportunity to bring forward a Bill which simplifies and consolidates electoral law, as has been recommended by the Law Commissions, our predecessor Committee and the CSPL. Such a Bill is likely to have received cross-party support, but most importantly, is required to make electoral law easier to understand and comply with - thereby supporting public confidence in elections. (Paragraph 23)
4. *The Committee urges the Government to set out a timetable for undertaking a wholesale review and consolidation of electoral law.* (Paragraph 24)

### Public and parliamentary consultation and scrutiny

5. The Committee notes and regrets that the Bill was not afforded pre-legislative scrutiny. (Paragraph 29)
6. We note that pre-legislative consultation can build consensus and ensure that the proposals meet their stated objectives. Written and oral evidence to this inquiry infers a strong correlation between elements of the Bill which have received cross-party and wide-ranging public support and on which extensive public consultation was undertaken. (Paragraph 30)
7. We note that there was limited to no public consultation on more controversial or 'contested' elements of the Bill, such as changes to the Electoral Commission, and that pilots on Voter ID were limited. (Paragraph 31)
8. Given the constitutional significance of the proposed changes to voting and the accountability mechanisms of the regulator of elections, the Committee is disappointed that a Joint Committee was not appointed to scrutinise this Bill in draft, to help ensure the legislation is fit for purpose. (Paragraph 32)
9. The Committee further notes the Government's decision to amend the scope of the Bill by including additional measures on the voting system for all Police and Crime Commissioner, Combined Authority Mayoral and London Mayoral elections after the Bill was introduced, had its Second Reading and was part-way through

Committee stage. As a result, the House was denied an important opportunity to debate the purpose and implications of the changes early on in its legislative process. (Paragraph 33)

10. *Given the lack of pre-legislative consultation and scrutiny on this constitutionally important Bill and the significant change in scope of the Bill after its introduction and Second Reading, the Government should include a statutory commitment to post-legislative scrutiny of the Bill on the face of the Bill.* (Paragraph 37)
11. *We recommend that the Government amend the Bill to introduce a requirement that, within five years of the entry into force of the Act, a committee comprising a majority of Members of the House of Commons is established to review the operation of the Act and, if appropriate in consequence of its findings, make recommendations to the Government and to the House for reform (including making arrangements for the publication of the committee's findings and recommendations, if any).* (Paragraph 38)
12. The Government has committed to respecting devolved competence where they are touched upon in this Bill. If this were to change, we expect the Committee and the House to be notified of the reasons for such a change in advance of a final vote on the Bill. One of the effects of the Bill would be to create further divergence between the rules for how elections are conducted in different parts of the UK. This is of concern as while some small differences can be accommodated and understood by the UK's electorates, the increasing number of differences will add to the complexity and potentially to confusion for voters, electoral campaigners and electoral administrators. We are clear that this is not an issue caused by the UK Government alone. *The four Governments of the UK should seek to develop a more coordinated approach to electoral policy and law.* (Paragraph 45)
13. Many of the proposed changes in electoral law are not being made on the face of the Bill, but will be determined by secondary legislation. The melange of delegated powers provided for in this Bill serves to highlight, and potentially adds to, the complexity of an already disparate body of electoral law. We are disappointed that more of the detail regarding how the measures to be introduced via this Bill are to be implemented is being left to secondary legislation rather than being included on its face. (Paragraph 48)
14. *The Government should present the draft secondary legislation as early as possible, as committed to by then responsible Minister, Chloe Smith MP, to enable due consideration by both Houses and stakeholders of the proposed secondary legislation that will provide further detail on the purpose and implementation of the Bill prior to that legislation being laid or made.* (Paragraph 49)

### Voter ID requirement

15. There appears to be potential for a contradiction in the drafting of Schedule 1 as the provisions setting out both the Voter Card and the Anonymous Voter Card leave open the possibility of a limited period of validity. However, the rules for the documents which can be accepted as forms of identification at a polling station state that such identification will be accepted "regardless of expiry date". *If this is a drafting error the Bill should be amended. If this is not a drafting error, a clearer*

*explanation needs to be provided as to how a period of validity could work for a Voter Card if an expiry date is not a bar to it being used for its sole purpose at a polling station. (Paragraph 55)*

16. The process of carrying out elections in the UK, the ease with which members of the electorate can cast their vote, and the trust that is shown in and by the electorate in general is an admirable and crucial tenet of our democratic process. These arrangements should be cherished and protected, and great care must be taken whenever consideration is given to altering them. Introducing a compulsory voter ID requirement risks upsetting the balance of our current electoral system, making it more difficult to vote and removing an element of the trust inherent in the current system. (Paragraph 96)
17. The Government presented to the Committee a case that there is underreporting of personation at UK elections. While the Government refused to be drawn on how extensive it believes the underreporting has been, it has implied that it is at a significant enough level to justify introducing a compulsory voter ID requirement. What is clear is that there is currently no evidence of widespread personation at UK elections, though we note the former responsible Minister's observation that cases of electoral fraud are likely underreported, so that nobody can be sure that the reported number of cases accurately reflects the true scale of fraud being carried out. It is surprising and concerning that the Government has considered there to be a significant issue with the UK's elections system and has not endeavoured to seek out and present substantial evidence of those concerns. The research done to provide evidence to support this policy proposal has simply not been good enough. Given the Government's conviction on this issue, Ministers should have presented a more robust evidence base. (Paragraph 97)
18. There have been concerns raised that introducing a voter ID requirement will negatively impact voter turnout. The evidence from what happened in Northern Ireland in 2003 following the move to a photographic ID suggests that a reduction of around 2.3% is possible. We cannot be sure whether this is a one-off drop or one that will continue, as continued monitoring of this issue did not take place in Northern Ireland. What is evident is that some reduction in voter turnout is possible as a result of implementing a voter ID requirement and that this may be the cost of using these measures to guard against the potential that personation could take place under the old system. (Paragraph 98)
19. *The Government has said the measures in the Bill are proportionate. Given the potential for a significant number of people not to vote as a consequence of the voter ID requirement, the Government should not proceed with its proposals for the introduction of ID for voting until at least it has set out the criteria that were used in this proportionality assessment and explained the weight given to each criteria in the assessment. The Committee notes the widely voiced concerns about the potential impact of the introduction of mandatory voter ID on certain societal groups and for some with protected characteristics, including people with disabilities, members of LGBTQ + communities, black and ethnic minority groups and older people and consequently recommends that the Government pauses legislation on this issue until*

*further research and consultation has been undertaken into the impact on these groups and the potential of any mitigation measures with the aim of securing greater agreement for any voter ID proposals. (Paragraph 99)*

20. We are pleased to see that the Government has included a monitoring and reporting requirement for voter ID in the Bill. *We recommend that close attention is given not only to the number of people who arrive without appropriate ID, but also the demographics of these people. In addition to this, the Committee recommends that parallel research is carried out to assess the number of people who are deterred from even attending a polling station due to the voter ID requirement. This will enable the wider impact on voter participation to be understood and assessed. (Paragraph 100)*
21. The Committee appreciates that the Government has included a wide range of forms of identification in its list of acceptable identification in the Bill. The purpose of the Government's proposals to introduce a voter ID requirement are to ensure that the person who turns up at the polling station is the named person on the electoral register. To meet this requirement, all that is needed is an ID that has the person's name and their photograph. We recommend that any ID issued by a public authority, educational institutions, approved schemes such as PASS ID or a transport providers should be accepted as proof of identification for the purposes of voting at a polling station. To ensure clarity for administrators, the Government should produce a standardised design/guides for public bodies, educational institutions and transport providers to follow on issuing ID such as the inclusion of a PASS ID hologram. (Paragraph 101)
22. We are concerned that the voter ID requirement will be burdensome to poll station staff. Many of the practicalities of the voter ID system are still to be set out and the Committee intends to monitor these closely. *We recommend that all regulations establishing the voter ID system are provided in draft to this and other interested Committees for scrutiny with sufficient time for comment, before they are introduced to the House. (Paragraph 102)*

### Voting for persons with disabilities

23. We welcome the Government's move to update electoral law to widen the requirement for anyone and everybody who may have a disability or a need for support in casting their vote. We also take on board the concerns expressed by the Royal National Institute for the Blind and Sense about the potential for the legal protection for blind and partially sighted people to vote independently. *We recommend that the Electoral Commission be tasked with creating minimum standards for the equipment to be provided by electoral administrators. These standards should seek to ensure that people are able to vote independently where possible. The Committee recommends that the legal protection for blind and partially sighted people to vote independently is maintained as a requirement. (Paragraph 109)*
24. There will inevitably be cost implications associated with widening the support for people with disabilities. *The Government should set out how much it expects new equipment to cost and indicate what financial support will be made available to local authorities to meet the new requirements. (Paragraph 110)*

### Postal and proxy voting

25. The Government's reasons for making these changes to the laws on postal voting appear valid and justified to the Committee. *The Committee recommends that the Government sets out regulations to the effect that local authorities must notify people in advance of the expiry of a postal vote to ensure that they do not accidentally find themselves unable to vote at an election.* (Paragraph 114)
26. We agree with the Government that it is sensible to limit the number of proxy votes that can be exercised by individuals to two for domestic electors, and four for overseas electors. (Paragraph 118)

### Overseas electors and changes to the franchise for foreign nationals

27. The Committee welcomes the removal of the 15-year limit on overseas electors participating in UK parliamentary elections. (Paragraph 124)
28. The proposals in the Bill on voting and candidacy rights of EU citizens would create a complex system that is likely to lead to confusion and difficulties for electoral administrators, electoral campaigners and voters in determining who is eligible to vote and stand for elections at local government elections in England and Police and Crime Commissioner elections in England and Wales. People from the same country will have different rights depending when they arrived in the UK. *The Committee recommends that the Government considers further the option of a residency-based approach in future reforms.* (Paragraph 130)

### The Electoral Commission

29. The Committee notes widespread concerns presented in written and oral evidence to this Committee that there was no formal or public consultation on these proposals and that there is a lack of supporting evidence to demonstrate that the proposed measures are both necessary and proportionate. (Paragraph 148)
30. The Committee reiterates the importance in upholding the actual and/or perceived independence of the regulator and considers that effective scrutiny of the Electoral Commission's work by the UK's Parliaments is essential to ensuring the Commission is held to account in the discharge of its statutory duties. A regulatory framework which achieves this balance is crucial for upholding public confidence in the regulator and in electoral outcomes. (Paragraph 149)
31. *The Committee considers that the substantive duty of the Electoral Commission to "have regard to the Statement" should be clarified. We recommend that the Bill be amended to provide that the Electoral Commission is able to depart from the guidance set out in the Statement if it has a statutory duty to do so or if it reasonably believes it is justified in specific circumstances. This amendment is necessary to give effect to the Government's stated intention that the Statement will not amount to a power to direct the Electoral Commission, and to protect the Electoral Commission's independence.* (Paragraph 150)

32. The Committee considers that the proposed consultation procedures require further clarification to ensure a transparent and meaningful consultation process. (Paragraph 160)
33. *The Committee urges the Government to provide guidance, as a matter of urgency, on the proposed consultation mechanisms, which should be agreed with the list of statutory consultees in advance of publication. We recommend that the guidance:*
- a) *sets out who will be consulted and when;*
  - b) *provides minimum timeframes for the statutory consultees to respond;*
  - c) *clarifies, through the use of examples, “necessary” in new section 4C(3) (Secretary of State’s power to amend following consultation) so that consultees have some certainty regarding their submissions and the Secretary of State is prevented from refusing to make amendments that would encroach on the Electoral Commission’s independence; and*
  - d) *clarifies when new section 4(E)4 consultation requirements are likely to be disapplied.* (Paragraph 161)
34. *Given the Government’s stated objective of improving parliamentary scrutiny of the Electoral Commission, we recommend the application of the ‘super-affirmative procedure’ for approval of the Statement, to ensure that parliamentarians have the formal opportunity to feed into and make recommendations on the draft Statement before it is laid for approval (via the ‘affirmative’ parliamentary approval procedure). We consider this additional scrutiny step is necessary and proportionate given the novelty and importance of the Statement.* (Paragraph 167)
35. *At a minimum, under the affirmative procedure, the Government should set a precedent for any future governments by committing to find time for a debate on the Floor of the House of the Statement once laid in draft for approval.* (Paragraph 168)
36. The Committee would support any measures that increase transparency in the way the Electoral Commission’s compliance with the Statement is assessed by the Speaker’s Committee. (Paragraph 177)
37. *The Speaker’s Committee may wish to develop the use of SMART objectives in monitoring and assessing the Electoral Commission’s compliance with the Statement. Furthermore, reports should clarify the consequences of any disagreement(s) between the Electoral Commission and the Speaker’s Committee.* (Paragraph 178)
38. Noting the importance in maintaining the perceived and actual independence of the Electoral Commission, the body which scrutinises the Electoral Commission’s compliance with the Statement and will play a key role in the consultation process (including providing any objections to the disapplication of the consultation procedures) must itself be seen to exercise its powers impartially and with cross-party support. We note support from external stakeholders for including lay members on the Speaker’s Committee and that no single party exercises a majority on the Committee. (Paragraph 187)

39. The Government has not demonstrated that the proposed measures impacting the Electoral Commission are both necessary and proportionate, and therefore risks undermining public confidence in the effective and independent regulation of the electoral system. (Paragraph 190)
40. The Committee considers that transparency and confidence in the proposed measures impacting the Electoral Commission could have been enhanced if the Government had first conducted a public consultation on the proposed measures—including the consultation, designation and approval mechanisms for the Statement, and changes in the composition of the Speaker’s Committee. (Paragraph 191)
41. The Committee’s inquiry into the work of the Electoral Commission is ongoing, covering a wide range of issues including the regulator’s governance and accountability arrangements. (Paragraph 192)
42. *We recommend that—notwithstanding the proposed recommendations set out above in paragraphs 150, 161, 167, 168 and 178—Clauses 13 to 15 of the Bill are removed, pending a formal public consultation on the proposed measures and to take into account any recommendations put forward by this Committee in its final report on the work of the Electoral Commission.* (Paragraph 193)
43. The Government has not clarified whether more resources and training will be provided to the police and Crown Prosecution Service (CPS) and Public Prosecution Service in Northern Ireland (PPS) to investigate alleged criminal offences under PPERA. (Paragraph 199)
44. *The Government should set out how it will “support the police as necessary to enforce electoral regulation proactively and effectively”, as committed by the Government in its letter to the Committee of 7 October 2021, including what resources it will make available to the police to investigate and bring forward criminal prosecutions under PPERA.* (Paragraph 200)
45. *We urge the Government to commit to review, monitor and report on potential criminal breaches under PPERA and their enforcement, which would assist in bringing forward any further legislative changes to either the civil and/or criminal sanctioning regimes. The Government should publish its findings and lay a Statement in Parliament every year.* (Paragraph 201)
46. *The Government should also commit to undertaking a review of the civil sanctioning regime for electoral law offences and its interplay with criminal prosecutions under PPERA and the RPA, providing a timetable for consultation and review of the CSPL’s recommendations in this regard.* (Paragraph 202)

### Regulation of Expenditure

47. We note the Government’s insistence that it is not able to incorporate a number of measures in the Bill now that it has been introduced. However, the Government has changed the scope of the Bill after introduction by amending the Bill at Committee stage to bring about a change in voting system for certain elections (as detailed in section 11 below). Furthermore, the Committee notes that the Government still

has an opportunity to put forward and/or support amendments that implement the recommendations identified by the CSPL as the Bill progresses through its remaining stages in both Houses. (Paragraph 215)

48. The Government's response to the CSPL report on electoral finance regulation provides no indication of which of its recommendations (not already included in the Bill) the Government is likely to adopt (via amendment), prioritise for consultation or when or how the Government proposes to give legislative effect to recommendations that will not be included in the Bill. *The Government should give clarity on its next steps in this regard.* (Paragraph 216)

### Digital imprints on campaign material

49. *Acknowledging the need for legislation to keep pace with rapid technological changes, the Government should commit to monitoring and conducting regular reviews of the digital imprints scheme, to ensure effectiveness in the monitoring and enforcement of the legislation and to prevent any unintended consequences or loopholes.* (Paragraph 224)

### Simple majority system to be used in elections for certain offices

50. Regardless of the benefits or disadvantages of the changes made by the Bill to the electoral system for those offices, the manner in which the proposed legislative change was brought about is unsatisfactory. Making changes such as this after the Bill has been introduced and debated at Second Reading is disrespectful to the House. (Paragraph 232)

# Formal minutes

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**Tuesday 7 December 2021**

## **Members Present**

Mr William Wragg, in the Chair

Ronnie Cowan

Jackie Doyle-Price

Mr David Jones

John McDonnell

Tom Randall

Lloyd Russell-Moyle

Karin Smyth

John Stevenson

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

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 98 read and agreed to.

Paragraph 99 read as follows:

The Government has said the measures in the Bill are proportionate. Given the potential for a significant number people not to vote as a consequence of the voter ID requirement, the Government should set out the criteria that were used in this proportionality assessment and explain the weight given to each criteria in the assessment.

Amendment proposed, in line 3, after “should” to insert “not proceed with its proposals for the introduction of ID for voting until at least it has”.—(*John McDonnell*.)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5

Ronnie Cowan

John McDonnell

Lloyd Russell-Moyle

Karin Smyth

John Stevenson

Noes, 2

David Jones

Tom Randall

Question accordingly agreed to.

Amendment proposed, at the end of the paragraph, to add “The Committee notes the widely voiced concerns about the potential impact of the introduction of mandatory voter ID on certain societal groups and for some with protected characteristics, including people with disabilities, members of LGBTQ + communities, black and ethnic minority groups and older people and consequently recommends that the Government pauses legislation on this issue until further research and consultation has been undertaken into the impact on these groups and the potential of any mitigation measures with the aim of securing greater agreement for any voter ID proposals”.—(John McDonnell.)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 4	Noes, 3
Ronnie Cowan	David Jones
John McDonnell	Tom Randall
Lloyd Russell-Moyle	John Stevenson
Karin Smyth	

Question accordingly agreed to.

Question put, That paragraph 99, as amended, stand part of the Report.

The Committee divided.

Ayes, 5	Noes, 1
Ronnie Cowan	Tom Randall
Jackie Doyle-Price	
John McDonnell	
Karin Smyth	
John Stevenson	

Question accordingly agreed to.

Paragraph, as amended, agreed to.

Paragraphs 100 to 232 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Fifth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order 134.

[Adjourned till Tuesday 14 December 2021 at 9.30am

## Witnesses

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

### Tuesday 7 September 2021

**Dr Jessica Garland**, Director of Policy and Research, Electoral Reform Society; **Professor Toby James**, Professor of Politics and Public Policy, University of East Anglia (UEA); **Peter Stanyon**, Chief Executive, Association of Electoral Administrators; **Angela Kitching**, Head of External Affairs, Age UK; **Helen Mountfield QC**, Barrister, Matrix Chambers

[Q1–40](#)

**Louise Edwards**, Director of Regulation, Electoral Commission; **The Lord Evans of Weardale KCB DL**, Chair, Committee on Standards in Public Life; **Professor Justin Fisher**, Professor of Political Science and Director of Brunel Public Policy, Brunel University London; **Dr Sam Power**, Lecturer in Corruption Analysis, University of Sussex; **Pete O'Doherty**, Assistant Chief Constable, Thames Valley Police

[Q41–76](#)

### Tuesday 14 September 2021

**Chloe Smith MP**, Minister of State for the Constitution and Devolution, Cabinet Office

[Q77–235](#)

## Published written evidence

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The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

TEB numbers are generated by the evidence processing system and so may not be complete.

- 1 Age UK ([TEB0005](#))
- 2 Allen, Mr Graham ([TEB0054](#))
- 3 Association of Electoral Administrators ([TEB0012](#))
- 4 Best for Britain ([TEB0003](#))
- 5 Bond ([TEB0053](#))
- 6 Brexpat's - Hear Our Voice ([TEB0020](#))
- 7 British in Europe ASBL ([TEB0028](#))
- 8 Burnham, Andy (Mayor, Greater Manchester Combined Authority (GMCA)) ([TEB0058](#))
- 9 Chesham and Amersham ForwardTogether ([TEB0019](#))
- 10 Clark, Dr. Alistair (Reader in Politics, Newcastle University) ([TEB0013](#))
- 11 Clarke, Roger ([TEB0001](#))
- 12 Collard, Dr Susan (Senior Lecturer in Politics, University of Sussex) ([TEB0044](#))
- 13 Committee on Standards in Public Life ([TEB0011](#))
- 14 Conservatives Abroad ([TEB0051](#))
- 15 Crosbie, Liz and Dade, Lyn ([TEB0027](#))
- 16 Cross-Border Services Group ([TEB0045](#))
- 17 Democracy Volunteers ([TEB0031](#))
- 18 Driscoll, Jamie (Mayor, North of Tyne Combined Authority) ([TEB0057](#))
- 19 Electoral Reform Society ([TEB0036](#))
- 20 Figgess, Sandra ([TEB0008](#))
- 21 Fisher, Professor Justin (Professor of Political Science, Brunel University London) ([TEB0016](#))
- 22 Full Fact ([TEB0046](#))
- 23 Green, Jill ([TEB0007](#))
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- 25 Involve ([TEB0043](#))
- 26 James, Professor Toby S. (Professor of Politics and Public Policy, University of East Anglia) ([TEB0035](#))
- 27 Jarvis MBE MP, Dan (Mayor, South Yorkshire Mayoral Combined Authority) ([TEB0060](#))
- 28 LGBT Foundation ([TEB0026](#))
- 29 Make Votes Matter ([TEB0056](#))
- 30 Mermaids ([TEB0037](#))
- 31 Munro, Mr Mark ([TEB0022](#))

- 32 National TULO ([TEB0030](#))
- 33 Norris, Dan (Metro Mayor, Metro Mayor for the West of England) ([TEB0059](#))
- 34 Power, Dr Sam (Lecturer, University of Sussex) ([TEB0018](#))
- 35 Renwick, Professor Alan (Professor of Comparative Politics and Deputy Director of the Constitution Unit, Constitution Unit, University College London) ([TEB0050](#))
- 36 Royal National Institute of Blind People (RNIB) ([TEB0041](#))
- 37 Scottish Assessors Association ([TEB0042](#))
- 38 Sense ([TEB0014](#))
- 39 Silver Voices ([TEB0002](#))
- 40 Stonewall ([TEB0032](#))
- 41 Street CBE, Andy (Mayor of the West Midlands, Mayor of the West Midlands) ([TEB0055](#))
- 42 The Electoral Commission ([TEB0006](#))
- 43 The Electoral Management Board for Scotland ([TEB0015](#))
- 44 The Patchwork Foundation ([TEB0047](#))
- 45 The Royal Mencap Society ([TEB0017](#))
- 46 The Runnymede Trust ([TEB0038](#))
- 47 Trades Union Congress ([TEB0034](#))
- 48 Transparency International UK ([TEB0049](#))
- 49 Unlock Democracy ([TEB0039](#))
- 50 Voice4Change England ([TEB0024](#))
- 51 Wilson MBE, Sue (Chair, Bremain in Spain); and Burton, Lisa (Vice Chair, Bremain in Spain) ([TEB0010](#))
- 52 Young Europeans Network, the3million; and Polish Migrants Organise for Change (POMOC) ([TEB0040](#))

# 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

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1st	The role and status of the Prime Minister's Office	HC 67
2nd	Covid-Status Certification	HC 42
3rd	Propriety of Governance in Light of Greensill: An Interim Report	HC 59
4th	Appointment of William Shawcross as Commissioner for Public Appointments	HC 662
1st Special	Government transparency and accountability during Covid 19: The data underpinning decisions: Government's response to the Committee's Eighth Report of Session 2019–21	HC 234
2nd Special	Covid-Status Certification: Government Response to the Committee's Second Report	HC 670
3rd Special	The role and status of the Prime Minister's Office: Government Response to the Committee's First Report	HC 710

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1st	Appointment of Rt Hon Lord Pickles as Chair of the Advisory Committee on Business Appointments	HC 168
2nd	Parliamentary and Health Service Ombudsman Scrutiny 2018–19	HC 117
3rd	Delivering the Government's infrastructure commitments through major projects	HC 125
4th	Parliamentary Scrutiny of the Government's handling of Covid-19	HC 377
5th	A Public Inquiry into the Government's response to the Covid-19 pandemic	HC 541
6th	The Fixed-term Parliaments Act 2011	HC 167
7th	Parliamentary and Health Service Ombudsman Scrutiny 2019–20	HC 843
8th	Government transparency and accountability during Covid 19: The data underpinning decisions	HC 803