



William Wragg MP

Chair of PACAC

5/1/2022

Dear Mr Wragg

We welcome the Public Administration and Constitutional Affairs Committee's Fifth, comprehensive report into the Elections Bill.

PACAC has made a significant number of recommendations in this report which require an immediate or prompt government response.

In particular we welcome the following shorter-term recommendations. (The underlining is ours.)

The four Governments of the UK should seek to develop a more coordinated approach to electoral policy and law.

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)

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)

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)

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)

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.

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)

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)

The Government should give clarity on its next steps [regarding which of the Committee on Standards in Public Life recommendations it intends adopting and when] ... (Paragraph 216)

We believe the range and nature of PACAC’s recommendations require the Government to pause the Bill to enable the changes, consultations and request for draft regulations set out by PACAC to be acted on. **We urge PACAC to make the case for a pause to the Bill to the government.** A pause would not be without precedent, the Health and Social Care bill in 2011 being a good example.

Additionally we would urge PACAC to call the responsible Minister back in front of the Committee, before the Bill goes to the Lords, to enable the Government to respond to PACAC’s most urgent recommendations. This request to hear from the Minister would provide the encouragement needed for the government to act decisively and in a

timely manner on PACAC's recommendations. Once the Bill reaches the Lords, there will realistically be little, if any, time left to act on all or most of PACAC's most urgent recommendations.

We look forward to hearing from you on how the Committee intends proceeding.

Yours sincerely

Tom Brake, Director, Unlock Democracy

Naomi Smith, CEO, Best for Britain

Mark Kieran, CEO, Open Britain

Kyle Taylor, Director, Fair Vote UK

Jess Garland, Director of Research, ERS

Maddy Dhesi, Campaigner, HandsOffOurVote