

Mr Cleland Sneddon, Chief Executive, South Lanarkshire Council, and Returning Officer, UK Parliament constituencies of East Kilbride, Strathaven and Lesmahagow, Lanark and Hamilton East, and Rutherglen and Hamilton West, and the Scottish Parliament constituencies of Clydesdale, East Kilbride, Hamilton, Larkhall and Stonehouse, and Rutherglen – written evidence (VID0002)

House of Lords Constitution Committee inquiry into voter ID

Background

1. The House of Lords Constitution Committee, is conducting a short inquiry into the introduction of Voter ID at UK Parliament elections, local elections in England and local referendums in England. The inquiry will consider the impact of the introduction of voter ID and lessons to be learned ahead of the next local elections in England in May 2024 and the forthcoming UK Parliamentary General Election.
2. The Committee intends to hear oral evidence from a panel of returning officers on 15 November 2023 and requested that this panel include one Returning Officer from Scotland. The Electoral Management Board for Scotland (EMB) were asked to recommend a participant to represent Scottish Returning Officers.
3. I am Chief Executive of South Lanarkshire Council and Returning Officer for the UK Parliament constituencies of East Kilbride, Strathaven and Lesmahagow, Lanark and Hamilton East and Rutherglen and Hamilton West. I am also Returning Officer for the Scottish Parliament constituencies of Clydesdale, East Kilbride, Hamilton, Larkhall and Stonehouse and Rutherglen. As such I have extensive experience of delivering complex elections across multiple constituencies.
4. In the context of this inquiry, I was recently the Returning Officer for the UK Parliamentary by-election in the Rutherglen and Hamilton West constituency, the first poll in Scotland for which photographic Voter ID was applied. I was also the Petition Officer for the recall petition in the same constituency which preceded and resulted in the by-election and for which Voter ID was also required for those signing the petition in person; again I will also be able to offer comment on that process.

Written Evidence

5. The committee has requested that written evidence is provided by the EMB to inform discussions of the committee on the 15 November. This paper offers comment on the issues identified by the committee. The comments made are particularly informed by the experience of the planning for and delivery of the UK Parliamentary by-election on 5 October in the Rutherglen and Hamilton West constituency and the preceding recall petition process.
6. In this context as general background the EMB would recommend that the committee review the recent report by the Electoral Commission into the

2023 Recall Petition in Rutherglen and Hamilton West. The issue of [Voter ID at the recall petition](#) is considered explicitly in a section of that report.

7. The recent [Electoral Commission report into the 4 May English council elections](#) contains significant commentary on the issue of voter ID at those polls and again supports the consideration of Voter ID by the Committee.

What steps need to be taken to raise awareness of the voter ID requirement and the existence of the Voter Authority Certificate (VAC).

8. These comments are based predominantly on my delivery of the recent recall petition in Rutherglen and Hamilton West and the subsequent 5 October by-election, both of which required Voter ID under the Elections Act 2022.
9. Both UK Government and Electoral Commission research indicated that the vast majority of voting age adults hold an acceptable form of photo ID. The same research also identified the demographics less likely to have eligible ID. The Electoral Commission in designing voter ID public awareness activities, determined that some of these groups, including unemployed people and people with low education and qualifications, could be reached effectively by their mass advertising. Others faced significant or compounding barriers and required more complex messaging including the over-85s, people with sight loss or learning disabilities, ethnicities with low ID ownership, including gypsy and traveller communities, people experiencing homelessness and those in refuges; trans and non-binary people and anonymous voters.
10. This work meant that across England in the lead up to the Council elections on 4 May there had been a major publicity campaign undertaken by the Electoral Commission utilising a range of channels to reach all of these groups. The assessment of the campaign was that it was very effective with a very high awareness of the need for Voter ID at the time of the elections.
11. The constituency for which I was Both Petition Officer and then Returning Officer however had not benefited from that campaign and I therefore had to plan and undertake my own focussed public awareness activity locally.
12. My Council Communications Team worked closely with the Electoral Commission in Scotland taking advantage of their experience of the campaign in England earlier in the year and its successful messaging. This planned public awareness campaign in conjunction with the Electoral Commission's own targeted campaign aimed to raise awareness of
 - the need for Voter ID;
 - what would be accepted; and
 - how a Voter Authority Certificate could be accessed if needed.
13. This public awareness activity as usual focussed on the groups least likely to turnout, groups which in practice coincide with those least likely to have a suitable ID. Lessons from England that informed our activity included an

awareness that deprivation was linked to the likelihood of not having suitable ID and that the “digital divide” meant that some voters would be hard to reach by many of the usual methods.

14. In the event, the Voter ID issue was a lot easier to explain and promote than I had anticipated. The communications were straightforward: every single message issued ahead of the by-election from the very start mentioned Voter ID. It was the only quote put in the very first press release, confirming the date, which ensured it was well used in the local press and also picked up by national media.
15. My team created our own set of graphics, loosely based on those used by the Electoral Commission in the English council elections and these were used at every opportunity.
16. On polling day there were rumours of issues in one area that were promoted by one newspaper but these turned out to be inaccurate and untrue. I was myself in the area visiting polling stations and was able to investigate the rumours and confirm the position directly and personally.
17. There were no significant problems with voters being unable to vote on 5 October, with 298 voters initially turned away for reasons of Voter ID and 199 of those later returning with appropriate ID to be issued with a ballot paper.
18. More generally, because of the high profile of the by-election my team did not need to promote it as actively as some electoral events for which I have been responsible. It was already in every newspaper and on every broadcaster each day of the campaign. Unfortunately, even with this publicity there was a fairly low turnout (37.19% compared with 66.48% at the snap election in December 2019) which was disappointing but I am confident that this would not have been due to a lack of awareness of the event. The polling day was during a period of particularly wet weather that, along with potential campaign fatigue amongst the electorate, may have contributed to the low turn out.

Are changes required to the application/issuing process for VACs?

19. The VACs are issued by the Electoral Registration Officer. In my constituency as in most in Scotland the ERO is separate from the council although we work closely together, especially in the lead up to an electoral event.
20. I have discussed the VAC issue process with my ERO and his comments on the process reflect those made by EROs across UK of which I am aware. As VACs are not directly my responsibility I would therefore refer the committee to the comments made by the Association of Electoral Administrators (AEA) in their [post poll review of the May 2023 elections](#).

Whether, and if so how, the forms of acceptable ID should be expanded.

21. This is properly a policy matter to be determined by Government. However from my experience as Returning Officer at this recent poll I would note that

the range of acceptable ID is already broad covering official travel passes, blue badges, driving licenses etc. The ID needs to be “officially issued” if the intention of the legislation is to be achieved and I am unaware of any other official ID used in Scotland that could be added to the list.

A handful of comments received at polling places related to the potential inclusion of public sector workplace photographic identification – specifically this related to employees of NHS Scotland; HMRC; and Police Scotland. I would anticipate it would be difficult to define and maintain a list of such public bodies for voter ID eligibility purposes but this may be an area the committee may wish to reflect on.

The merits of alternatives to presenting ID--e.g. statutory declaration by the voter/attestation by another registered voter.

22. Again this is a policy matter to be determined by Government. I can only comment on the basis of my experience as a Returning Officer delivering events, a recall petition and a by-election, for which ID was required.
23. I am aware of the proposals made by the Electoral Commission and others to allow “vouching” or attestation. From a practical perspective I would note that this option would add to the administrative burden of the staff in the polling station, with additional forms to complete.
24. Vouching may also introduce potential risk to the process around voting, which in a polling place is supposed to be an activity which is done independently and in private. The presence of another individual attending the polling station with the voter could introduce opportunities for coercion and polling staff would need to be alert for potential intimidation.

The likely impact of voter ID on turnout for the next general election, including any differential impact on certain demographics.

25. The impact on turnout is impossible to assess. Turnout at the English council elections did not seem to be impacted by the new requirements in May 2023. Electoral Commission research indicated that for those who chose not to vote ID was a very minor issue. However, council elections and by-elections are always very different from General Elections with respect to turnout so it is not possible to extrapolate from the experience of this years polls without complex modelling.
26. Turnout in my own by-election on 5 October was low at 37.19% but the reasons for a low turnout are always difficult to identify. As noted above I ran an extensive and innovative public awareness campaign and the by-election was featured in the news repeatedly. There are many factors in terms of the general political, economic and social context that will have impacts on turnout. The highest turnout event with which I have been involved in recent years was the Scottish Independence Referendum in 2014 with a turnout of 86.4% which was driven predominantly by the engagement in the issue in question.

The likely impact of voter ID on the administration of the next general election (e.g. overstretched polling station staff unable to seek help from neighbouring areas) and the impact on local areas' ability to recruit and retain polling staff.

27. Returning Officers and Electoral Registration Officers are already planning for the delivery of the next UK Parliamentary General Election with those plans being informed and modified by the need to apply the new Voter ID measures. The resourcing of elections has been a growing concern over recent years with Returning Officers repeatedly highlighting the pressures on the capacity of the system and the need to address the resilience of the broader electoral infrastructure.
28. The EMB and Electoral Commission held a conference on 6 October 2023 for all ROs and EROs which included an extended session considering the introduction of Voter ID with colleagues from England highlighting the lessons that they had learned from the process. The EMB also supported an observation programme which RO staff from across Scotland observed polling in England in May and have drawn lessons from.
29. Election staffing has been a particular concern for a number of years and it has become increasingly difficult to staff polling stations adequately. There are many reasons for this including the uncompetitive pay offered but the nature of the work with the need to be present over a 15 hour day has an impact. It has already become apparent that some staff have been unwilling to work in future polls due to their fear of the potential for disputes at the polling place around Voter ID and to what is perceived as a fundamental change in the role of polling staff from peers supporting the electoral process, to officials acting as gatekeepers to that process. This may have an impact on the recruitment and retention of polling staff.
30. Experience from England which we are attempting to learn from however will inform our planning in that the additional responsibilities associated with Voter ID should not be over-emphasised. There was a risk that the Voter ID element was given a prominence out of proportion to its actual role which could have unnecessarily put off staff from wanting to work.
31. In any case there will need to be greater and different training for polling staff and additional effort to expand the pool of staff and to consider more creative and effective recruitment campaigns.
32. It is evident however that public sector financial pressures have and will in future have an impact on the availability of community facilities such as halls and leisure venues to be used as polling stations. Increasingly there will be challenges in ensuring the availability of suitable venues for electoral events or at best there may be an even greater impact on schools education provision. There will also be a need to ensure that polling places have capacity for the privacy areas/ arrangements to allow those who wish to confirm their identity only in private to do so. This will require an additional survey of all polling places and may require investment in additional equipment.

33. A broader topic is that the delivery of elections is always a “whole council” exercise with resources from across the authority being made available to me as the Returning Officer to support the delivery of the election. Voter ID and the other elements involved in the Elections Act 2022 is adding to the work associated with the delivery of the election at a time when the council’s resources are already stretched such that it is increasingly difficult to deliver necessary services even without the additional strain of an election.
34. For the recent by election I reduced the number of voters allocated to each polling station to 800 to reduce volumes at each station and to allow time for the staff to ensure voter ID requirements were complied with. In polling places with 3 or more polling stations I also deployed an additional Information Officer role to assist voters with information on voter ID requirements and to help polling staff as required. Additional signage was also used to advise and raise awareness of the voter ID requirements and forms accepted.
35. I would however highlight that the rate of call off from appointed poll staff was over 10% who required to be back filled at short notice. The new appointees added an additional training burden to the election team again at short notice.

The cumulative impact of changes to the voting system--including voter ID, the process for obtaining a VAC, IT systems, potential greater use of postal voting--on the ability of election staff and suppliers to conduct the next general election.

36. As noted above there is growing concern about the capacity of the RO and ERO infrastructure to deliver elections. It is a system where there is little resilience and limited contingency capacity. The additional pressures associated with the new changes to the voting system are adding to the demands on the limited resources when local authorities’ own resources, which must be made available to the Returning Officer, are already over committed.
37. The significant increase in postal votes has also been marked which requires separate arrangements to be in place during the pre poll period.

Whether Elections Act tranche 2 measures (extension of overseas franchise, online absent vote applications) should be delayed to ease pressure.

38. While noting the pressures faced it is perhaps too late now to delay implementation of these measures. The focus now needs to be on ensuring that ROs and EROs are appropriately supported and resourced. In addition there needs to be action taken to ensure that all changes to legislation and systems are in place well ahead of the next election to ensure that there is time for the changes to be incorporated into planning and training. The “Gould principle” of ensuring that such changes are in place at least 6 months ahead of a poll needs to be respected.

The adequacy of data collection on the impact of these changes and how it can be improved, including whether legislative change is necessary to allow data collection in May 2024 (if there is no general election then)

39. The data collection forms used at the recent by-election in my constituency did add to the workload of the polling staff but the data that they were collecting is important for future planning and for transparency in the electoral process. Feedback from my polling station staff was that some found it difficult to record the additional data.
40. I understand that the Electoral Commission will work with the UK Government, Returning Officers, and electoral administrators to review the data collection forms and guidance for polling station staff, so they are clear and user-friendly. My colleagues and I will look forward to working with them on this.
41. These data recording processes will also need to be fully explained to polling station staff in future as part of the staff training and this is already being incorporated into training plans for next year.

The Electoral Management Board for Scotland

42. The Electoral Management Board for Scotland (EMB) was established by the Local Electoral Administration (Scotland) Act 2011. This Act gave the Board "the general function of co-ordinating the administration of local government elections in Scotland." The Scottish Elections (Reform) Act 2020 extended the remit of the Board to cover elections to the Scottish Parliament.
43. The EMB is independent of both Scottish and UK Governments and political parties and is accountable to the Scottish Parliament. The Convener is appointed by Ministers and leads a Board consisting of Returning Officers, their Deputies and Electoral Registration Officers.
44. Advisors include the professional associations: the Association of Electoral Administrators (AEA), the Electoral Registration Committee of the Scottish Assessors Association (SAA), the Elections Working Group of the Society of Local Authority Lawyers & Administrators in Scotland (SOLAR), and Scottish and UK Governments, and the Electoral Commission.
45. The EMB's prime focus is ensuring that the interests of the voter are kept at the centre of all election planning and administration. The work of the EMB assumes the close community of electoral professionals in Scotland and accordingly the Board seeks to operate by consensus rather than formal direction, wherever possible. However, the Convener does have a power to issue directions to Returning Officers and Electoral Registration Officers in relation to their duties around Scottish Parliament and Local Government elections as required, and this power has been exercised in recent elections with the consent and wish of the electoral community.
46. The EMB has assisted in the coordination of the work of ROs and EROs in the delivery of European Parliamentary Elections, UK Parliamentary General Elections, Scottish Parliament Elections, Scottish Local Government Elections

and UK and Scottish Referendums. Where the Convener does not have a legal power of direction the Board has made recommendations to achieve consistency and support adequate contingency planning across the country. Since its creation, the EMB has had an increasingly important role in promoting a consistent delivery approach, acting as a single point of contact for stakeholders and providing a source of professional expertise and support to the electoral community.

31 October 2023