

## **Unlock Democracy – written evidence (VID0003)**

*Submitted by Mr Tom Brake, Director, Unlock Democracy*

### **House of Lords Constitution Committee inquiry into voter ID**

Unlock Democracy's position regarding photo voter ID remains the same, it is unnecessary, costly and discriminatory. With one person receiving a suspended prison sentence and another a caution for voter impersonation in 2019<sup>1</sup> (when 58 million votes were cast that year in local elections, European elections and the General Election) photo voter ID, which led to more than 14,000 people being turned away at polling stations in England's local elections in May 2023, cannot be justified on electoral integrity grounds. It should be noted that the figure of 14,000 only includes those who interacted with polling clerks at polling stations. It does not include those who were turned away by greeters (some local authorities deployed people outside the polling station who were turning away people without ID before they got into the polling station) or who did not come to the polling stations because they were aware they needed, but did not have, photo voter ID.

Furthermore –

1. Data collected by the Electoral Commission and Independent Poll Watchers demonstrated that Voter ID laws are disproportionately affecting voters from ethnic minority communities. The Equalities and Human Rights Commission (EHRC) are investigating this issue.
2. The free Voting Authority Certificate (VAC) scheme has failed - Government data shows that over 2 million people do not have a valid ID. Only 89,500 people applied for a certificate and only 25,000 were used on election day. Analysis of official data show that an average of 65 voters a day are applying for a VAC since the local elections.
3. This is just the tip of the iceberg - the number of voters going to the polls on 4th May was less than a half of what we would see on a General Election day. For the most part, the areas voting on 4th May were areas where Voter ID ownership was likely to be highest and that most people voting were more engaged politically than the average General Election voter. If what we saw with Voter ID on 4th May happens on General Election day, things will be many times worse.

Unlock Democracy made a short submission to the Treasury's consultation ahead of this Autumn Statement suggesting that photo voter ID is stopped and associated savings are realised.

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

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<sup>1</sup> <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/electoral-fraud-data/2019-electoral-fraud-data>

It was clear that the Electoral Commission (EC)'s campaign, which was delayed and only started in January 2023 as a result of the late provision of final voter ID legislation and guidance, did not run for long enough to reach everyone who needed photo voter ID. The EC campaign was also launched before the online VAC facility was available.

The late delivery of the legislation meant that the Government was in breach of the Gould principle (named after Ron Gould who investigated the events that led to the spoiling of a significant number of ballot papers in the election to the Scottish Parliament in 2007) that election law should not be changed within six months of an election.<sup>2</sup>

If the government insists on maintaining the requirement to present photo voter ID at polling stations, the following will be required, a sustained, year round information campaign, funded by central government, delivered by the Electoral Commission and local authorities in partnership with the groups most disadvantaged by photo voter ID (the elderly, people with disabilities, renters etc.). The campaign should continue to focus on raising awareness of the need to present photo voter ID at polling stations (in areas where elections were held 92% of people were aware of the need to have photo voter ID<sup>3</sup>) but also on the availability of the free alternative - the VAC - provided by local authorities (more than 4 out of 10 people were not aware of its existence according to Electoral Commission research.<sup>4</sup>) This campaign should include a mailing to every household to raise awareness of the need for photo identification and the existence of the VAC. The government was not willing to fund this in the run-up to the May 2023 elections.

If the experience of the introduction of photo voter ID in Northern Ireland is replicated in the rest of the UK (turnout in NI according to the Cabinet Office appeared to take 13 years to recover<sup>5</sup>), this campaign may need to be funded for a decade or more.

Given the low usage of the VACs from people who had obtained them (89.5k issued, 25k used), local authorities should consider being proactive in reminding people who obtained them to use them.

## **2. Are changes required to the application/issuing process for VACs?**

The VAC system remains largely untested due to extremely low take up. As recommended by the Electoral Commission, VACs could be issued as late as the day before polling day, this would assist voters who only realise very late that they do not have ID or lose their photo voter ID a few days before the election (this happened to one of Unlock Democracy's members). The

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<sup>2</sup> Page 112

[https://www.electoralcommission.org.uk/sites/default/files/electoral\\_commission\\_pdf\\_file/Scottish-Election-Report-A-Final-For-Web.pdf](https://www.electoralcommission.org.uk/sites/default/files/electoral_commission_pdf_file/Scottish-Election-Report-A-Final-For-Web.pdf)

<sup>3</sup> <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/voter-id-may-2023-local-elections-england-interim-analysis>

<sup>4</sup> <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/our-reports-and-data-past-elections-and-referendums/report-may-2023-local-elections-england>

<sup>5</sup> [Tom Brake 2 reply from the Cabinet Office.docx](#)

current deadline to apply for a Voter Authority Certificate is 5pm six working days before the date of any election.

It is probable that the requirement to load documents electronically when applying for a VAC will have deterred people with limited technical skills from completing the application. This may explain to some degree why only 89.5k people applied for a VAC, out of a total of roughly 1.6 million people in England, without photo voter ID, eligible to vote.

In future, a more permanent VAC should be issued - not a sheet of A4 paper that stands little chance of surviving from election to election. When VACs were originally discussed, it was nearly always assumed that they would be some kind of card. The paper nature of the present VACs (even though they are valid for 10 years) makes it quite likely people will need to renew them for each election, or if they have retained the VAC, they may find it rejected if it is crumpled, damp, folded etc.

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

The obvious fix for most Voter ID problems would be to make polling cards usable as a form of ID. While they do not have photos on, they would eliminate most of the risks of personation. Polling card + a second form of ID (be it photo or paper) would make things even more secure. Using polling cards as ID would also massively reduce the training required by staff.

Failing this, the obvious forms of ID that could be added are those more often used by young people, which were excluded from the list. It is not clear why travel cards for young people, which are accepted as valid forms of ID by transport providers, were not accepted by the government as valid forms of ID for voting purposes. One possible explanation was provided by former Minister Jacob Rees Mogg, who said: "Parties that try and gerrymander end up finding their clever scheme comes back to bite them, as dare I say we found by insisting on voter ID for elections."

However any extension to the list of valid forms of ID will have to be matched by greater staff training. According to a report by Democracy Volunteers, which had volunteers outside a number of polling stations in May in half of the local authorities where voting was taking place, 30% of those turned away at polling stations were 'non-white' males and 23% 'non-white' females<sup>6</sup>. The very high percentage of people turned away who were from an ethnic minority, combined with anecdotal reports of valid Commonwealth passports not being accepted as valid ID, suggest that a lack of training on the accepted forms of ID contributed to people being erroneously turned away.

FOI responses from local authorities that responded to the following question sent on March 15th 2023, "How much extra time has been set aside for training polling station staff who will be present at the local election polling stations on the 4th May 2023 on the new requirements under the Election

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<sup>6</sup> <https://democracyvolunteers.org/final-report-english-local-elections-2023/>

Act 2022 to present a photo ID at polling stations?” revealed how little extra training was provided for local authority staff, with half of the authorities that responded confirming they had set aside less than one hour of extra training for polling station staff.<sup>7</sup>

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

Both of these alternatives should be considered.

Attestation or vouching was proposed by Professor Toby James in the evidence provided to the PACAC Elections Bill inquiry.<sup>8</sup>

The government should also consider adopting Lord Pickles’ proposal to allow utility bills to be used. In his report, ‘Securing the ballot’, published in 2016<sup>9</sup> he said

*“R8. The Government should consider the options for electors to have to produce personal identification before voting at polling stations. There is no need to be over elaborate; measures should enhance public confidence and be proportional. A driving licence, passport or **utility bills** would not seem unreasonable to establish identity.”*

Polling cards should also be considered as mentioned above and as advocated by Lord Rennard during the Elections Bill debate.

Should the government introduce any of these alternatives, information campaigns will need adjusting and further training for polling staff will be required.

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

This is hard to quantify exactly.

However, according to the Electoral Commission ‘at least 0.25% of people who tried to vote at a polling station in May 2023 were not able to because of the voter ID requirement’.

Assuming the same turnout in a 2024 General Election as in the 2019 General Election (67.3%<sup>10</sup>) and an electorate of 47,000,000 (a slight increase on 2019 when roughly 46,500,000 people were registered<sup>11</sup>) if nothing changes the number of voters turned away could be around 79,000.

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<sup>7</sup> [Press release - Embargo: 00:01 Wednesday 03 May 2023](#)

<sup>8</sup> <https://committees.parliament.uk/writtenevidence/38439/pdf/>

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[https://assets.publishing.service.gov.uk/media/5a8058bd40f0b62305b8a9d3/eric\\_pickles\\_report\\_electoral\\_fraud.pdf](https://assets.publishing.service.gov.uk/media/5a8058bd40f0b62305b8a9d3/eric_pickles_report_electoral_fraud.pdf)

<sup>10</sup> <https://commonslibrary.parliament.uk/general-election-2019-turnout/>

<sup>11</sup>

<https://www.ons.gov.uk/peoplepopulationandcommunity/elections/electoralregistration/bulletins/electoralstatisticsforuk/december2021>

This figure could go down if the awareness of the requirement to hold photo voter ID increases and/or the % of postal voters increases (17.2% of voters were issued with a postal ballot in the 2019 General Election<sup>12</sup>).

But it is also possible that this number will be exceeded. The Electoral Commission found in their recent report<sup>13</sup> that 'people who said they do not tend to vote at local elections had significantly lower levels of awareness of the requirement [to have photo ID] (84% were aware) compared with those who vote more frequently at local elections (94%)' and 'people who never vote in local elections are less likely to have accepted ID (7%) than those who always vote in local elections (2%)' These two factors point to a significant risk that, in a much higher turnout General Election, where voters who vote less frequently are more likely to participate, the number turned away could easily top 100,000.

Since the May elections, the focus of most electoral administrators has been on the Online Absent Vote applications (launched on the 31st October 2023) and other elements of the Elections Act. This implies little action, if any, has been taken to further publicise the requirement for photo voter ID and to address the heavier impact of photo voter ID on certain groups. There is however at least one exception, an awareness-raising programme of the need to have photo voter ID is running in London.

This lack of action implies that these groups, unless awareness-raising starts now, will be as disadvantaged in 2024 as they were in May 2023. Unlock Democracy referred the photo voter ID requirements to the Equalities and Human Rights Commission (EHRC) after Democracy Volunteers observations that over half of the people turned away at polling stations were 'non-white'. This was unexpected as the government's Equalities Impact Assessment stated that ethnic minority voters were **more** likely to have photo voter ID.<sup>14</sup> The EHRC 'is to review the full analysis of the impact of the requirement to produce voter ID' that the Electoral Commission published in September.

However, as noted in the introductory paragraph above, the actual impact of photo voter ID on turnout at the next General Election will be far greater than the number of people turned away after their details have been captured at polling stations. If greeters are used again for the General Election, and people who are aware of the need to have photographic ID, but don't have any, do not present at polling stations, the actual number excluded from the polls could be closer to the EC's finding in their report. This identified that 4% of people gave the requirement to have photo voter ID as their reason for not voting. Assuming 4% of people who had intended to vote in person in the next General Election don't, because of the requirement to have photo voter ID, a rough estimate would suggest 1 million eligible voters will stay away from the polling stations.

<sup>12</sup> <https://commonslibrary.parliament.uk/research-briefings/cbp-7419/>

<sup>13</sup> <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/our-reports-and-data-past-elections-and-referendums/report-may-2023-local-elections-england>

<sup>14</sup> Paragraph 31, page 8 <https://publications.parliament.uk/pa/bills/cbill/58-02/0138/2021-07-01ElectoralIntegrityBillEqualityImpactAssessment.pdf>

**6. 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.**

Whilst it is expected that turnout will be negatively affected at the next General Election, because of the requirement to have photo voter ID, the checking of the photo ID of voters who do arrive with ID could cause delays at peak times, in the busiest polling stations. The AEA and individual local authorities will need to assess the risk of possible disruption at congested times (based on average processing times for electors) and vary staffing levels accordingly.

**7. 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.**

The AEA is best placed to respond to this question about the cumulative impact. A recent AEA post on Linked In highlights their concerns over the 'steady stream of election changes' they are having to respond to.<sup>15</sup>

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

The AEA is best placed to respond to this question.

We note however that should a General Election be held in May 2024, the timing of the implementation of the measures needed to enable UK citizens living abroad for more than 15 years to vote, will also be in breach of the Gould principle.

This could see a repeat of the problems overseas voters experienced in the 2019 General Election with many receiving their postal votes too late.<sup>16</sup>

**9. 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)**

Failing to capture comprehensive data on those turned away in May's London Mayoral and Assembly elections, with London's very significant ethnic minority population (over 40%<sup>17</sup>), will make it much harder to know how

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<sup>15</sup> [https://www.linkedin.com/posts/aeaelections\\_oava-elections-voting-activity-7115727310003019776-0eRD/](https://www.linkedin.com/posts/aeaelections_oava-elections-voting-activity-7115727310003019776-0eRD/)

<sup>16</sup> <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/our-reports-and-data-past-elections-and-referendums/report-overview-2019-uk-parliamentary-general-election/depth-delivering-2019-uk-parliamentary-general-election>

<sup>17</sup> <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/national-and-regional-populations/regional-ethnic-diversity/latest#ethnic-groups-by-region>

sustained and targeted any information campaign will need to be ahead of the General Election (in London and other areas with significant percentages of voters from ethnic minority communities), should the General Election be held after May's elections

It is for this reason that in a letter to the Electoral Commission (EC), dated 30/8/2023, Unlock Democracy called for the EC to press the Government to extend the requirement to monitor the impact of photo voter ID to all elections (not just the next 2 General Elections) until further notice<sup>18</sup>.

*1 November 2023*

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<sup>18</sup> [230830 - Shaun McNally - CEO](#)