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House of Lords Constitution Committee inquiry into voter ID

Executive Summary

- Knowledge of voter ID requirements is very high but knowledge of Voter Authority Certificates (VACs) is not. Take up of VACs is very far below where it needs to be if mass disenfranchisement is to be prevented at the next general election.
- Reaching electors who need a VAC in order to vote cannot be left until a general election is imminent. An immediate and more activist approach is needed, with concerted and properly resourced data collection and outreach work to target electors at risk of losing the right to vote.
- Widening the range of accepted forms of voter ID would take the pressure off VACs, be more proportional to the actual risk of impersonation at polling stations and deal with some clear anomalies in the current rules.
- Evidence from Northern Ireland suggests that the impact of voter ID on turnout will diminish over time but this conclusion is contingent on the successful roll out of free voter ID, which has been a notable Northern Ireland success story.
- The Elections Act 2022 has compounded problems associated with the volume and complexity of UK electoral law and further increased the burdens on elections staff. There is a very real risk of electoral integrity being undermined by administrative problems and the Elections Act increases, rather than reduces, that risk.

Introduction

1. We submit this evidence as academic political scientists with longstanding interests in electoral integrity in the UK. From 2019-20, we jointly acted as specialist advisers to the House of Lords Select Committee on the Electoral Registration and Administration Act 2013. Our submission focuses on those areas where we feel able to make the most informed contributions, which relate primarily to voter ID. In doing so, we draw particularly on evidence relating to the experience of voter ID in Northern Ireland, which we feel offers valuable lessons for Great Britain in several areas.

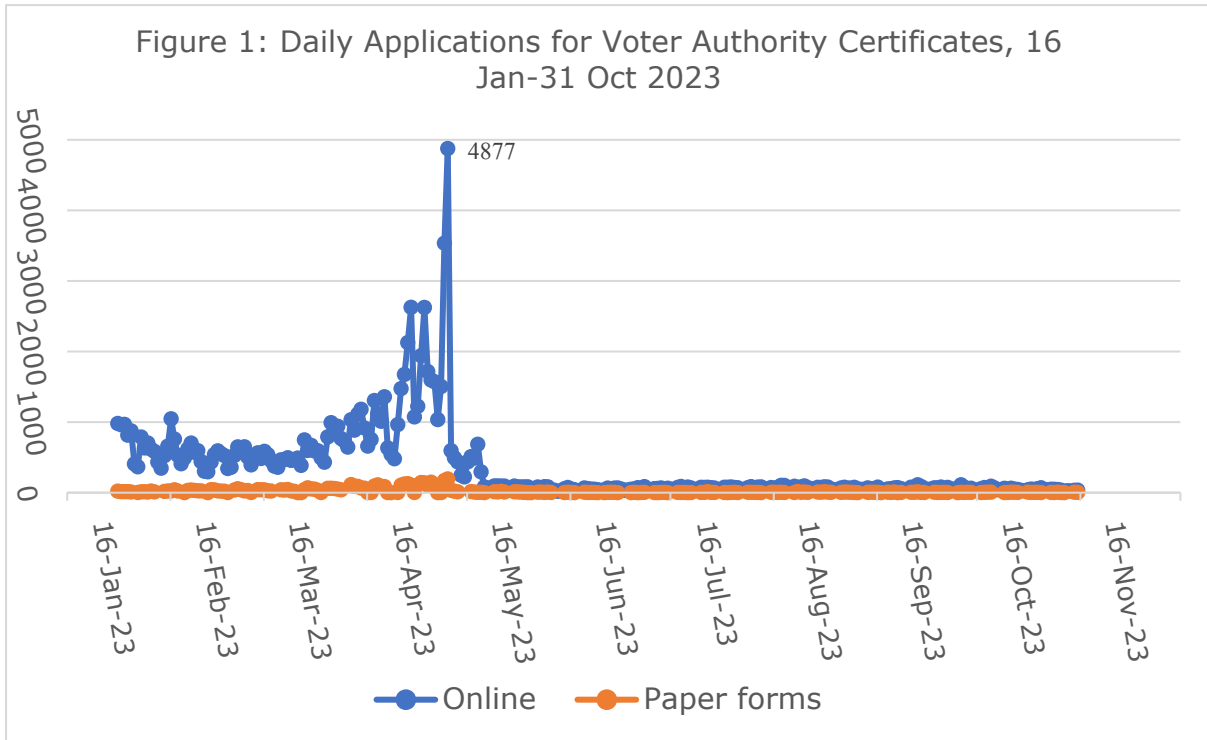
What steps need to be taken to raise awareness of the voter ID requirement and the existence of the Voter Authority Certificate (VAC).

2. It is vital to distinguish between the task of raising awareness of voter ID requirements in general and the specific task of raising awareness of VACs as a free form of voter ID for those without any existing form of photo ID.

3. Awareness of the voter ID requirement already appears to be very high. The task of publicising the change ahead of the 2023 local elections was largely left to the Electoral Commission. Inevitably, the significance of the change and the controversies associated with it meant that the new ID requirements were also widely covered by the national and local media. Regular surveys conducted by the Electoral Commission suggest that its public awareness campaign, magnified by media reporting, was highly successful. Knowledge of voter ID requirements rose from 23% of the public in December 2022 to 87% in April 2023 (just ahead of the elections) and to 92% in May 2023 (just after the elections).¹ However, the same survey findings underline notable variations in awareness, with younger voters, BAME voters, those without photo ID and those who do not vote regularly all exhibiting lower levels of knowledge about the requirements. Clearly, there is still work to do but, as the body responsible for running the publicity campaign, the Electoral Commission should be congratulated for the role it played in ensuring that awareness was raised to this level in such a short space of time.
4. Voter Authority Certificates present a different challenge entirely. We have real causes for concern about this aspect of voter ID provision. Given the evidence on possession of photo ID, around 2 million registered electors in Great Britain will only be able to vote at a polling station if they apply for, and receive, a VAC on time. Yet, an estimated 43% of people were unaware that VACs could be obtained as a form of free ID ahead of the 2023 local elections. The scale of likely demand for VACs in local elections was always going to be hard to estimate but the Electoral Commission had worked on the basis that 250-300,000 VACs would be issued ahead of the May 2023 elections. In the final event, only 89,500 VACs were dispatched to electors and only about 25,000 were actually used as ID on polling day.² The lack of take-up can be explained by several factors: the relatively low levels of awareness about the provision, the lower salience of local elections, the likelihood that regular voters at local elections will already have photo ID, and the relatively high proportion of votes cast by post at local elections. At the same time, these credible explanations for the low take-up and usage of VACs at the 2023 elections should not distract from the challenge that lies ahead. VACs will need to be issued in far greater volumes if large scale disenfranchisement of voters is to be prevented at the next general election.
5. Using the data from the performance dashboard for the VAC site, it is evident that applications for VACs have slumped dramatically following the 2023 local elections. The graph below shows that applications rose sharply ahead of the May 2023 local elections, peaking at 4877 applications on 25 April 2023, but then fell dramatically and did not return to the level they had been at in February and March. As Table 1 illustrates, an average of 1446 applications for VACs were made during April 2023, but this number fell by 90%, to an average of 141 applications per day, the following month. Since June 2023, the average number of VAC applications per day has not reached 3 figures.

¹ The Electoral Commission (2023) Voter ID at the May 2023 local elections in England: interim analysis, <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>

² Electoral Commission (2023), *ibid.*



Source: <https://voter-authority-certificate.service.gov.uk/performance>

Table 1: Average number of daily applications for Voter Authority Certificates, Feb-Oct 2023.

Month	Average (daily)
February 2023	561
March 2023	702
April 2023	1446
May 2023	141
June 2023	54
July 2023	70
August 2023	72
September 2023	66
October 2023	50

Source: Compiled from <https://voter-authority-certificate.service.gov.uk/performance>

- The current levels of VAC applications suggest it will be challenging, but essential, to promote the availability of VACs prior to an election being called. Partly because of recent reforms, there is a growing tendency for eligible electors to delay taking the necessary steps required for them to vote until an election is actually called. The scale of this election-driven activity is most evident with electoral registration (once undertaken solely via an annual canvas), with the facility to make online applications to join the register seeing huge surges in application levels just before the deadline to register for a specific electoral event. It is essential that such a scenario is

avoided with VACs, given the huge volumes that would potentially need to be issued ahead of a general election.

7. Another way of understanding the scale of the challenge is to consider the uptake of Electoral Identify Cards (EICs) in Northern Ireland, where photo ID has been a requirement at polling stations since 2002. EICs are issued free of charge by the Electoral Office for Northern Ireland (EONI) to electors without photo ID. Within the first two years of photo ID being introduced, 97,000 EICs were issued in Northern Ireland which, at the time, had just over 1m registered electors. Table 2 lists the number of EICs issued annually in Northern Ireland and the number of EICs as a proportion of the total electorate. The peak year for issuing EICs, 57,000 in 2003/04, is easily explained. This was the first year after photo ID requirements were introduced in which a major electoral event took place: the Northern Ireland Assembly elections on 26 November 2003.
8. If we use the 2003-04 figures for Northern Ireland as a baseline to calculate the likely need for VACs in Great Britain in a general election year, the scale of the challenge becomes immediately evident. In 2003/04, 5.3% of the Northern Irish electorate were issued with an EIC. The equivalent proportion of the current electorate of Great Britain would amount to a need for 2.6m VACs, 29 times the number issued ahead of the 2023 English local elections. Even if the required quantity of VACs were reduced by the higher prevalence of postal voting in Great Britain, compared to Northern Ireland, it seems implausible that such large quantities could be produced and delivered in the run up to a general election, particularly if one is again called at short notice, as was the case in both 2017 and 2019.
9. We reflect further, below, on the challenges associated with ensuring that take-up of VACs is as wide as possible. Again, we believe there are valuable lessons to be drawn from Northern Ireland with respect to raising awareness about free Voter ID and maximising the issuing of such ID ahead of a major electoral event.

Table 2: Electoral Identity Cards issued in Northern Ireland: Total Number and as % of Total Electorate

Year	EICs Issued	Local Government Electors, Northern Ireland	% of Electorate issued EIC
2002-03	40,000	1,072,404	3.7
2003-04	57,000	1,069,136	5.3
2004-05	8,000	1,047,601	0.8
2005-06	8,571	1,156,991	0.7
2006-07	6,902	1,075,078	0.6
2007-08	4,528	1,125,935	0.4

2008-09	4,548	1,142,513	0.4
2009-10	10,281	1,170,296	0.9
2010-11	23,903	1,202,145	2.0
2011-12	25,583	1,227,086	2.1
2012-13	25,146	1,247,293	2.0
2013-14	19,452	1,241,048	1.6
2014-15	27,181	1,257,034	2.2
2015-16	24,232	1,270,696	1.9
2016-17	27,021	1,233,926	2.2
2017-18	13,789	1,273,434	1.1
2018-19	11,417	1,281,576	0.9
2019-20	9,961	1,326,013	0.8
2020-21	1,804	1,367,778	0.1

Sources: Annual Reports of the Chief Electoral Officer for Northern Ireland; ONS Electoral Statistics.

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

10. In themselves, the processes for applying for, and issuing, VACs seem to be highly efficient. The dashboard which monitors the performance of the site indicates high levels of user satisfaction and shows that the service operates with near-universal availability. The decision to use paper certificates as proof of identity, rather than to issue plastic cards, was largely driven by a concern to prioritise efficiency and enable large volumes of identity documents to be produced and delivered within relatively short timeframes. Inevitably, the fact that VACs are issued on sheets of A4 paper will also mean they will be lost and damaged and liable to need frequent replacements to be issued.

11. The questions that really arise, as indicated above, are why demand for VACs has so far been so low and whether the systems involved will perform to the same standard given the almost inevitable huge spike in demand in the run-up to a general election. The pressure placed on a similar online system, for applications to join the electoral register, just ahead of the deadline to register to vote in the 2016 referendum on EU membership provides an instructive point of comparison here. On Tuesday 7 June, hours before the 11.59pm deadline to apply, the website crashed, ultimately resulting in the passing of emergency secondary legislation to extend the deadline to the same time on Thursday 9 June.³ It is more than possible that

³ Cabinet Office (2016) Extending the deadline to register to vote for the EU referendum: statement <https://www.gov.uk/government/news/extending-the-deadline-to-register-to-vote-for->

a similar surge in applications for VACs could take place shortly before the deadline for the next general election. Even if the online system were able to cope with this level of demand, there would be serious questions about the scope for electoral administrators to process, print and dispatch VACs in such large volumes at very short notice.

12. While the introduction of voter ID in Northern Ireland took place before widespread household connection to the internet, there is much scope to learn from the experience there of issuing EICs after 2002. The annual canvass of electors in 2002 was used to identify Northern Irish electors who were likely to need an EIC to vote: a total of 235,000 people.⁴ In order to maximise take-up, the UK government determined that:

the issuing process will be conducted locally, with data- and image-capture units (that is, small teams of clerks with a laptop and a small camera linked to the computer) visiting every neighbourhood. It will operate in conjunction with a high-profile media campaign, including publicity targeted at those groups most likely to need such cards. Permanent issuing stations will subsequently be maintained at local electoral offices (...) The Government is determined that no one should be disenfranchised until they have had every reasonable opportunity to acquire photographic ID.⁵

13. Despite this approach, regular monitoring of take up in Northern Ireland revealed that only 86,162 applications for EICs had been made by June 2003. At this stage, the Secretary of State provided extra resources to intensify the campaign. A reminder and a new form were sent to everyone who had indicated via the annual canvas that they would need an EIC to vote but had not yet applied. Mobile issuing units were dispatched to town centres and supermarkets, and were demographically targeted in light of evidence about which groups were least likely to have applied.⁶
14. Replicating this sort of approach across Great Britain would be challenging, as electoral administration is far more decentralised than in Northern Ireland. The wholly appropriate assumption that VAC applications in Great Britain in the 2020s will overwhelmingly be made online is also somewhat at odds with the paper-based, community-outreach process used in Northern Ireland 20 years ago. However, the key distinction is really between the current process in Great Britain, which places the responsibility firmly in the hands of the elector to take action, and that adopted in Northern Ireland two decades ago, which accepted that the state had an active role to play in

[the-eu-referendum-statement](#)

⁴ The Electoral Commission (2003) The Electoral Fraud (Northern Ireland) Act 2002: An Assessment of its First Year in Operation, <https://cain.ulster.ac.uk/issues/politics/election/electoralcommission1203.pdf>

⁵ Secretary of State for Northern Ireland (2001) Combatting Electoral Fraud in Northern Ireland, CM 5080, <https://assets.publishing.service.gov.uk/media/5a7c9ced40f0b6629523aa70/5080.pdf>

⁶ Secretary of State for Northern Ireland, *ibid.*

ensuring that as many such electors are reached as possible. Given that some electors who require VACs will also be lacking the internet connectivity or skills to complete the application process, there are also likely to be significant benefits of such outreach activity for a number of excluded groups.

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

15. There is a very strong case for expanding the range of acceptable forms of ID. Doing so would help reduce the reliance on the need to issue large numbers of VACs. Moreover, as we suggest below, expanding the range of permissible IDs would also be more proportionate to the actual risk of personation at polling stations, and would deal with a number of obvious anomalies in the existing rules.
16. No real attempt has been made to justify the decision to limit the range of ID to specific forms of photographic ID, given the clear evidence that personation at polling stations is very rare. The Pickles review, which has been a significant influence on the provisions in the Elections Act 2022, suggested a far more liberal approach to voter ID, including options to allow non-photographic ID. At the heart of Pickles' recommendation was a concern that the change be pragmatic and proportional to the problem.

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. The Government may wish to pilot different methods. But the present system is unsatisfactory; perfection must not get in the way of a practical solution.⁷

17. Again, comparisons with Northern Ireland are instructive. When voter ID was first re-introduced in Northern Ireland under the Elections (Northern Ireland) Act 1985, there was far greater evidence of personation at polling stations in Northern Irish elections than there is in Great Britain today. Yet, a mix of photographic and non-photographic ID was initially permissible as voter ID in Northern Ireland. As an alternative to producing a driver's licence or passport, Northern Irish voters could also prove their identity using a DHSS payments book for pensions, benefits or allowances or a medical card issued by the Northern Ireland Central Services Agency (NICSA). As with the actions taken to implement the 2002 legislation, concerted efforts were made to seek to minimise the risk of electors being disenfranchised. For instance, because of confusion about the status of medical cards issued by a previous agency (which could not be used as voter ID), a decision was made to issue new ones from the NICSA to 50,000 people (just under 5% of the electorate) at very short notice just ahead of the 1985 local elections. Ultimately, voter ID requirements in Northern Ireland were strengthened two decades later, because of concerns that personation was persisting. However, the starting point for voter ID in Great Britain is clearly very different and it seems disproportionate to begin with what is essentially a

⁷ Eric Pickles (2016) *Securing The Ballot*, https://assets.publishing.service.gov.uk/media/5a8058bd40f0b62305b8a9d3/eric_pickles_report_electoral_fraud.pdf

replica of the current framework in Northern Ireland rather than adopt a version of earlier provisions there.

18. It has been widely noted that the existing list of permissible forms of ID under the Elections Act 2022 throws up some obvious anomalies. Why is a Merseytravel 60+ travel pass not accepted when the checks involved in issuing one are essentially identical to an Oyster 60+ pass issued by Transport for London, which is accepted? Does it really make sense that a long-expired South African passport can be used as ID, while a currently valid Zimbabwean one cannot (as Zimbabwe is no longer a Commonwealth country)? More generally, given the UK's lack of national identity cards, there is surely a powerful case for accepting a far greater range of forms of photo IDs, such as staff passes issued by public bodies, student passes and a wider range of travel passes. In our view, widening the range of acceptable forms of ID would be a sensible and pragmatic move that would maximise electoral participation while carrying little or no risk with respect to the security of the ballot.

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

19. We are aware that this approach has been advocated by a number of organisations and individuals. We have no strong views on this possibility. However, we would note that such a trust-based system, with obvious potential for misuse, would be at odds with the recent trajectory of changes to electoral law. We would also have concerns about any such process placing additional demands on polling station staff.

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

20. There are many factors that influence election turnout and it is difficult to isolate the actual or potential impact of voter ID. Evidently, the fact that at least 14,000 electors were turned away from polling stations in the May local elections and did not return will have had a negative impact on turnout.⁸ Given inconsistent data recording across polling stations, including the variable use of 'greeters' reminding electors of the need for voter ID before they entered, this figure of 14,000 is almost certainly an under-estimate. In addition, the Electoral Commission's post-election survey suggested that around 4% of those who said they had not voted offered voter ID as the primary reason.⁹ Overall, the Commission concluded that the new voter identification provisions may have slightly suppressed levels of electoral

⁸Electoral Commission (2023a) Voter ID at the May 2023 local elections in England: interim analysis, <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> and Electoral Commission (2023b) Report on the May 2023 Local Elections in England, <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/our-reports-and-data-past-elections-and-referendums/england-local-council-elections/report-may-2023-local-elections-england#voter-id-at-the-elections>

⁹ Electoral Commission (2023b), *Report on the May 2023 local elections in England*, p. 7.

participation, with the 32% turnout in 2023 representing a slight fall from the 32.5% turnout at the equivalent set of elections in 2019.¹⁰

21. It is also highly likely that the negative impact of voter ID on turnout will diminish over time, since electors will become more accustomed to the requirement with each set of elections. The long-term use of voter ID in Northern Irish elections provides a useful evidence base with which to test this assumption. Given the wide variety of influences on turnout, simply examining turnout levels before and after voter ID was introduced would be an inadequate method for assessing its influence. As an alternative, we can examine election surveys in Northern Ireland, which have regularly asked non-voters why they did not vote. Such surveys generally distinguish between cases where people opted not to vote and cases where they were prevented from voting. A survey of 1000 participants conducted after the 2003 Northern Ireland Assembly elections, the first at which photo ID applied, included 234 non-voters (23.4% of the sample). Among these 234 non-voters, 93 said they had been unable to vote, as opposed to actively deciding not to. Drilling down further into this group, 13 cited voter ID problems as the reason they could not vote, with this constituting the 3rd most common reason for being prevented from voting, after health problems (n=20) and work commitments (n=15).¹¹ Taken at face value, these findings suggest that the new voter ID requirements explained about 5% of non-voting in Northern Ireland in 2003. This figure is entirely consistent with the Electoral Commission's estimate that around 4% of non-voters at the 2023 local elections in England cited ID as the primary reasons for not turning out.¹²
22. More recent surveys suggest that voter ID has diminished as a cause of non-voting in Northern Ireland as the voter ID requirements have become more embedded. A post-poll survey of 1000 Northern Irish electors after the 2017 Assembly elections identified only 5 respondents who cited lack of ID as a reason for not voting, representing 0.5% of the electorate and 2% of the 199 non-voters in the sample.¹³ Other reasons for not voting were far more common, notably being too busy (cited by 30% of non-voters) and not being registered to vote (16%). In 2019, after local elections in Northern Ireland, 4 out of 167 non-voters gave lack of ID as the reasons for not voting, the 10th most common reason, again amounting to 2% of non-voters.¹⁴ The same proportion of non-voters cited lack of ID as the reason for not turning out in the 2022 Northern Ireland Assembly elections, with ID not ranking in the top 10 reasons for failing to vote.¹⁵ In sum, the evidence from Northern Ireland suggests that voter ID acts as a bar to electoral participation for only a very small part of the electorate and is a minor factor in explaining non-voting.

¹⁰ Electoral Commission (2023b), *Report on the May 2023 local elections in England*, p. 3.

¹¹ L. Dowds, B.C. Hayes, P. Mitchell et al., *Northern Ireland Assembly Election Survey, 2003*. [data collection]. (UK Data Service, 2006). SN: 5394.

¹² The Electoral Commission (2023a), *Voter ID at the May 2023 local elections in England: interim analysis*.

¹³ The Electoral Commission/Kantar TNS, *Northern Ireland Assembly Post Election Public Opinion Survey* (The Electoral Commission, London, March 2017).

¹⁴ The Electoral Commission/YouGov, *Post-Poll Public Opinion Northern Ireland* (Electoral Commission, London, May 2022).

¹⁵ The Electoral Commission, *Post-Poll Public Opinion Research, Northern Ireland* (Electoral Commission, London, 2019).

23. Two important caveats must be added to the above analysis. First, it is highly likely that voter ID would constitute a much greater barrier to electoral participation in Northern Ireland without the level of uptake of EICs shown in Table 2. As such, the Northern Ireland experience arguably presents a “best case” scenario that will only be replicated if the uptake of VACs in Great Britain reaches an equivalent level to that for EICs in Northern Ireland. Second, it is also likely that voter ID will have differential impacts on turnout by social group, particularly if the uptake of VACs does not increase significantly. It is evident that certain groups are less likely to have existing photo ID than others and there is some survey evidence to suggest disabled and unemployed electors were disproportionately affected by voter ID requirements in the 2023 local elections.¹⁶ At this stage, evidence about the differential impact of voter ID must be seen as provisional but it is clear that such impacts will arise if they are not mitigated by expanding the list of permissible forms of ID or via far more concerted efforts to maximise the uptake of VACs.
24. Currently, we have no adequate means of assessing the differential impact of voter ID on turnout across different demographic groups. Research conducted for the Cabinet Office provides useful insight into who lacks specific forms of ID,¹⁷ but some of these groups have far higher levels of turnout than others. Meanwhile, the Electoral Commission has undertaken analysis of the relationship between the population characteristics of wards and the numbers of electors turned away in those wards for 18 local authorities that held elections in May 2023.¹⁸ Again, this research tells us something, notably that more voters tended to be turned away in areas with larger non-white British populations and in areas with higher rates of unemployment and social deprivation, but also has real limitations. The Commission has stressed that data on electors turned away from polling stations is of poor quality and impacts on the reliability of these conclusions. Just as importantly, robust data is needed about electors who are turned away from polling stations at an individual level, rather than with reference to the population characteristics of wards. Only in this way will we have a clearer understanding of which electors are disadvantaged, rather than which areas are more likely to have disadvantaged electors within them. Such an approach would, in turn, help target outreach work more effectively, especially for areas in which people might suffer multiple disadvantages. It could also facilitate greater insight into whether specific groups are less willing, or less able, than others to apply for VACs. For instance, people of Caribbean origin, affected by the Windrush Scandal, may opt not to apply for a VAC because of low trust in British authorities and fear of wrongful deportation, while disabled people might find it difficult to apply for a VAC because of the nature of the online process. Any such data-driven initiative will, of course, require proper investment in data collection capabilities and

¹⁶ The Electoral Commission (2023a), *Voter ID at the May 2023 local elections in England: interim analysis*.

¹⁷ IFF Research (2021) Photographic ID Research, prepared for the Cabinet Office https://assets.publishing.service.gov.uk/media/609a5105d3bf7f2886e29f44/Photographic_ID_research_headline_findings_report.pdf

¹⁸ The Electoral Commission (2023), Voter ID demographic analysis research, https://www.electoralcommission.org.uk/sites/default/files/2023-09/Voter%20ID%20demographic%20analysis%20research_%20%281%29.pdf

in the resourcing of electoral services to target their efforts to increase the take up of VACs.

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.

25. We are unable to comment in detail in response to this question. We would just make two observations. First, Voter ID requirements clearly place additional burdens on polling station staff, particularly at busy times, and it is highly likely that polling stations will need additional staff as a result, particularly at a general election. Second, many electoral services managers have reported problems recruiting polling station staff in recent years and it is likely that the scale of this challenge will become more evident at a general election, particularly one called 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.

26. There is a very widely held and longstanding consensus that UK electoral law is in urgent need of consolidation and simplification. The Law Commissions have undertaken extensive work to provide a clear blueprint for such a process and yet no attempt has been made by government to address the issue. Instead, the Elections Act 2022 adds to the problem, introducing yet more changes to the legal framework for elections and adding to the complexity of the task facing electoral administrators.

27. A very wide range of new provisions are due to be introduced by the Elections Act 2022 ahead of the likely date of the next general election. These include: the requirement to renew postal voting rights every 3 years, new restrictions on postal vote handling by election campaigners and a reduction in the number of electors a proxy can represent (from October 2023); the simplification and clarification of the offence of undue influence and the introduction of digital imprints (from November 2023); the ending of time limits on the right to vote of British citizens living abroad (from January 2024); and changes to the voting rights of EU citizens (from May 2024). Given that a general election must be called before December 2024, it is evident that it will be fought within a much-amended legal framework. It will be imperative that electoral administrators are given sufficient time and resource to implement several of these changes ahead of a general election. Likewise, there must be sufficient time for the Electoral Commission to draft new legal guidance and for political parties and election campaigners to absorb and act on it. Unfortunately, the recent experience of the implementation of major changes to electoral law suggests that all of this is unlikely to come to pass.

28. The cumulative changes to electoral law over the past two decades pose serious risks to the conduct of elections, because of the pressures they place

on electoral administrators. These concerns are clearly set out in the Association of Electoral Administrator's (AEA) report on the 2023 elections, and they should be taken very seriously.¹⁹ At the same time, problems with a wide range of suppliers have intensified the challenges facing electoral administrators. Even matters such as securing a sufficient number of buildings to use as polling stations have become increasingly fraught, partly because of the reluctance of head teachers to consent to schools being used for this purpose. Systemic failure in the running of a general election is a genuine risk and large-scale administrative problems arising from the 2022 Act could have profound implications for public confidence in elections. There needs to be a much clearer recognition that if the provisions in the 2022 Act are to be delivered successfully, electoral administrators will need to be given sufficient timeframe and resources to do so. As the AEA puts it:

(The) ability to successfully deliver polls is being compromised by continual and unsystematic changes to the democratic process (...) Progress in addressing issues from previous polls is painfully slow. We believe the impact of aggregated risk is insufficiently recognised, and inadequately mitigated. We are concerned that only a major electoral failure will focus attention on the vulnerabilities of the system.²⁰

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

29. We have no substantive comments to make in relation to this question other than to underline our answers to the previous questions with respect to: the continued tendency to bolt more legislation onto a body of law in urgent need of consolidation and simplification, the intense pressures on electoral administrators arising from the extent and pace of legal change, and the persistent tendency for changes to electoral law to be made close to major electoral events. If there is clear evidence to suggest that delaying the implementation of measures in the Elections Act would alleviate pressures on electoral administrators, we would very much support this proposal.

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).

30. The impact of voter ID and other changes in the Elections Act 2022 can only be assessed if high quality data are available. Unfortunately, there are longstanding issues with the accuracy of data collected in polling stations, aggregated by elections staff in local authorities and then submitted to the Electoral Commission for publication. Inconsistencies in these data are probably inevitable given the sheer number of individuals responsible for recording and reporting them and the generally rudimentary procedures

¹⁹ Association of Electoral Administrators (2023) *AEA 2023 Post Polls Review. Under pressure: increased demand on the UK electoral system.* <https://www.aea-elections.co.uk/wp-content/uploads/2023/06/AEA-2023-Post-Polls-Report-27-June-2023.pdf>

²⁰ Association of Electoral Administrators (2023), *ibid.*

which they are asked to use. A wholesale modernisation of the collection of polling station data is arguably required to tackle these issues and such a project will simply not be feasible this side of a general election. It is possible that data collection could be improved somewhat through revised Electoral Commission guidance but, given the other pressures facing polling station and elections staff, the scope for substantial short-term changes is very limited indeed. To fully evaluate the impact of voter ID on electoral participation over time, proper financial investment in high quality data collection is urgently needed, especially given the issues highlighted in paragraph 24.

7 November 2023