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House of Lords Constitution Committee inquiry into voter ID

The impact of voter ID on trans people: Research evidence from a survey and interviews with transgender voters in Great Britain. Submission to the House of Lords Constitution Committee.

About this submission

1. Prior to the implementation of the Elections Act 2022, transgender people (understood as people who do not identify with the gender they were assigned at birth) were highlighted as a group that might experience additional barriers to voting under the new legislation¹.
2. This submission is based on research exploring awareness of the new voter ID rules amongst trans people; how participants thought the rules would affect them; and what impact this might have on future political participation. Evidence was collected through an online survey with over 200 participants (recruited via LGBTQ+ organisations and social media) across four weeks in May-June 2023, and semi-structured interviews with a sub-sample of survey participants (n=15) in August and September 2023. Research participants were over 18, eligible to vote in British general elections, and identified as trans or non-binary (including gender non-conforming and people of trans history).
3. This research addresses the following items in the terms of reference: a) What steps need to be taken to raise awareness of the voter ID requirement and the existence of the Voter Authority Certificate (VAC); and e) The likely impact of voter ID on turnout for the next general election, including any differential impact on certain demographics.

Summary / Key points

Key evidence

4. Trans people are **changing voting method in response to the voter ID rules**: away from in-person voting (-18%) towards a higher use of postal votes (+16%).

¹ Stonewall and LGBT Foundation, 2021. LGBTQ+ Voter ID Report. Available at: <https://www.stonewall.org.uk/about-us/news/needng-id-could-stop-lgbtq-people-voting>
Electoral Commission, 2022. Impact on Voters. Available at: <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/voter-identification-pilots/may-2018-voter-identification-pilot-schemes/impact-voters>

5. Voter ID rules have had a **negative psychological impact** on trans people: participants expressed significant anxiety that their photo ID could be challenged when voting in person.
6. Trans people are **less likely to vote** under voter ID rules: 25% of participants said they were less likely to vote in a future general election.

Implications

7. **Gender reassignment is a protected characteristic** under the Equality Act 2010, and potential impacts on trans people were considered under the Equality Impact Assessment for the Elections Bill. The committee should consider whether the barriers to voting for trans people under the current rules could constitute **indirect discrimination** under the Equality Act.
8. Trans people's move towards postal voting to circumvent photo ID rules is cause for concern: marginalised groups are at elevated risk of abuse such as coercive control, which has been linked to voter fraud using postal votes.

Recommendations

9. The government must **improve public awareness about Voter Authority Certificates**. To reduce negative perceptions about bureaucracy among trans voters, awareness campaigns should include detailed information about the process for obtaining VACs including what forms of ID are required to obtain one. To improve uptake amongst the trans community, awareness campaigns should **specify that VACs do not include a gender marker**.
10. Providing reassurance to the trans community that polling clerks have received training around sensitive handling of ID documents and around the Equality Act could reduce trans people's anxiety about voting in person.

Detailed evidence on items a) and e)

- a) What steps need to be taken to raise awareness of the voter ID requirement and the existence of the Voter Authority Certificate (VAC).
 11. Almost all of participants (95%) were aware of the new voting rules before participating in the survey. Many participants found out about the introduction of Voter ID requirements through social media (54%). Fewer people mentioned learning about Voter ID requirements through LGBTQI organisations (19%), government awareness campaigns (15%) or other routes (12%).
 12. Interviews demonstrated that awareness of Voter Authority Certificates was poor. Those who had heard of VACs perceived the process for obtaining one as a bureaucratic barrier. Importantly, **participants were**

not aware that VACs do not include a gender marker, which could be an important incentive to obtaining one for trans people:

I became aware that you could apply for a special document for free if you wanted to, but you have to go through the rigmarole of going to the council for that. [...] I assumed that it would probably identify me as a Mr and a male, rather than identifying me as something that I chose.

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

Access to ID

13. Participants reported high levels of access to photo ID that met government eligibility criteria (97%). Seven participants had no eligible ID at all, of which six planned to obtain new photo ID due to the voter ID rules. Many people who did possess eligible ID also planned to obtain new photo ID. In total, 20% of the sample were planning to obtain new ID.
14. Interviews highlighted that there is often a difference between what photo ID would be 'acceptable' to a polling clerk, i.e. that met government eligibility criteria, and what photo ID trans participants would feel comfortable presenting. **Only 29% of participants said they would feel comfortable showing their photo ID.** One of the survey respondents wrote:

I have to present myself as the gender mark on my id. So I have to pretend to be that person that I have left behind. This increases my gender dysphoria and makes the vote casting an uncomfortable experience. To be looked at and compared to my old self is dehumanising.

15. Participants' desire for new ID often related to a need to update it to reflect their everyday presentation or the name they use in daily life. Others who anticipated their name or appearance changing in the future were reluctant to obtain ID that would then quickly become 'out of date':

I am concerned that I may have difficulty voting as my transition continues and my appearance and presentation differs more and more from my documentation.

16. Comments in both interviews and the survey also highlighted the difficulty of obtaining new ID, for instance, due to significant cost and bureaucracy.

Voting methods

17. The survey showed that whilst 86% participants had predominately voted in person at a polling booth in the past, only 68% planned to do so in the future (-18%). There was a corresponding **increase in plans to vote by post (+16%)** and not to vote at all (+2%). Interviews indicated that people's moves away from voting in person were driven by increased anxiety, for instance due to lack of ID they were comfortable showing, concerns that their ID might be rejected or that their identity might be challenged.

Likelihood of voting

18. Just under two-thirds of participants (63%) did not think the voter ID rules would affect their likelihood of voting in the future. Of those who did anticipate a change, a small number (8%) said they were more likely to vote in the next general election. However, the majority of people who thought their voting habits would change said that they are now **less likely to vote (92%, 25% of all participants)**.

Implications

19. The evidence shows that the introduction of photo ID for in-person voting is a significant disincentive to trans people's political participation in Britain. We note that gender reassignment is a protected characteristic under the Equality Act 2010, and potential barriers to trans people were considered in the Equality Impact Assessment for the Elections Bill.² The Committee should consider whether current arrangements for voter ID meet the definition for indirect discrimination on the basis of gender reassignment under the Equality Act 2010.

20. Trans people's move towards postal voting to circumvent photo ID rules is cause for concern: marginalised groups are at elevated risk of abuse such as coercive control, which has been linked to voter fraud using postal votes.³

Recommendations

21. The government must improve public awareness about Voter Authority Certificates. To reduce negative perceptions about bureaucracy amongst voters, awareness campaigns should include detailed information about the process for obtaining VACs including what forms of ID are required to

² <https://publications.parliament.uk/pa/bills/cbill/58-02/0138/2021-07-01ElectoralIntegrityBillEqualityImpactAssessment.pdf>

³ Frederic Charles Schaffer (2014) Not-So-Individual Voting: Patriarchal Control and Familial Hedging in Political Elections around the World, *Journal of Women, Politics & Policy*, 35:4, 349-378, DOI: 10.1080/1554477X.2014.955407, see page 353.

Also, Toby S. James & Alistair Clark (2020) Electoral integrity, voter fraud and voter ID in polling stations: lessons from English local elections, *Policy Studies*, 41:2-3, 190-209, DOI: 10.1080/01442872.2019.1694656, see page 193.

obtain one. To improve uptake amongst the trans community, awareness campaigns should specify that VACs do not include a gender marker.

22. Trans people in the sample experienced elevated levels of anxiety about having their IDs rejected, their identities questioned, and the possibility of receiving hostility because of their trans status. Providing reassurance to the trans community that polling clerks have received training around sensitive handling of ID documents and around the Equality Act could potentially reduce this anxiety.

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