

# **Professor Toby S. James – Written evidence (ERA0012)**

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## **Introduction**

I am Professor of Politics and Public Policy at the University of East Anglia and an expert on electoral administration and management. I have served as an advisor or expert witness to several parliamentary bodies in Scotland, Wales and Westminster. Recent research has included two peer reviewed studies on the introduction of individual electoral registration, one of the reforms in the Electoral Registration and Administration Act. I was also the lead author of the cross-party report on *Missing Millions, Still Missing* which was published recently setting out 21 recommendations for the future modernisation of electoral administration. My evidence is submitted on the basis of my direct, peer-reviewed academic research and not all questions are therefore answered.

To summarise:

- The introduction of individual electoral registration (IER) was the most significant reform to voter registration in almost one hundred years.
- Academic studies show that the consequences of the reform included reduced opportunities for electoral fraud and an increasingly accurate register. While aggregate completeness rates were not largely affected, there was considerable variations across groups with students and young people negatively affected.
- The move to IER also led to significant increases in cost and negative effects on workplace experiences for electoral officials, which might not be sustainable in the long run.
- There is an opportunity for reform for new measures to improve completeness, cost and voter experience. Reforms could include a move to a single electoral register, automatic registration for some groups such as 16-year olds, and Am I Registered Website?
- There is no systematic evidence to justify the need for voter identification requirements at polling stations.

## **1. Has the introduction of individual electoral registration been a positive development overall? Has it achieved its objectives, and how does it compare with the previous household registration system?**

The move to IER was the most significant reform to how the electoral register since compiled in one hundred years. It involved the requirement for citizens to register individually and provide personal identifiers such as their national insurance number. It also involved the move to a two-stage canvass with Household Enquiry Forms being sent to households in the first instance, before individuals were then invited to register.

### *Pre-implementation study*

Research was undertaken on the likely effects of the Act *prior* to implementation.<sup>1</sup> This research involved interviews with roughly 80 electoral officials across the UK in 2013. The results showed expectations that the move to IER would reduce opportunities for the electoral fraud, but would have a negative effect on registration rates, especially amongst young people and students, and those in care homes. These groups were thought to be affected because they would have previously relied on others to register them on their behalf. There were also major concerns about the additional administrative costs that would be involved.

The research, and concerns raised by civil society groups and parliamentarians, informed the reports of multiple select committees. In combination this meant that electoral registration saw an unprecedented media focus. This focus may have shaped the effects of IER by having a 'mobilising effect' that might have boosted voter registration.<sup>2</sup>

### *Post-implementation study*

A post implementation study of IER was undertaken in 2016, once the transition had been completed.<sup>3</sup> This involved a survey of electoral officials from 189 of 382 local authorities. This provides the most comprehensive available research on the direct effects of the move to IER. These were five-fold:

- **Reduced opportunities for fraud.** 77 per cent of respondents thought that opportunities fraud had been reduced. Some did suggest, however, that electoral fraud of this type was rare, in the first instance.

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<sup>1</sup> Toby S. James (2014) '[The Spill-over and Displacement Effects of Implementing Election Administration Reforms: Introducing Individual Electoral Registration in Britain](#)', *Parliamentary Affairs*, 67 (2): 281-305.

<sup>2</sup> Toby S. James (2019) [Comparative Electoral Management: Performance, Networks Instruments](#). New York: Routledge.

<sup>3</sup> Toby S. James (2019) [Comparative Electoral Management: Performance, Networks Instruments](#). New York: Routledge.

- **Improved accuracy.** 68 percent agreed that the accuracy of the electoral register had improved.
- **Uneven effects on completeness.** At an aggregate level there were very mixed views on whether completeness had been affected. Electoral officials often pointed out that this was because online voter registration was introduced at the same time which had a very positive effect on completeness. They also pointed out, however, that completeness had increased amongst some groups, but declined amongst others. Declines were thought to have been greatest in London boroughs and amongst students. The responses suggested that there was no effect on BAME groups.
- **Workforce effects.** There were major effects on the working conditions of staff because there were new IT-intensive administrative processes involved, which required checking every application submitted. These checks would need to take place close to the day of the election because this was when there would be surges in electoral registration applications. The effect was therefore increased workload, higher levels of stress and a deterioration in the working environment. For example, one official reported how two members of staff worked in excess of 400 hours each (late nights, weekends and bank holidays), over and above the normal working hours.
- **Increased costs for electoral registration services.** Electoral officials were unanimous that they had experienced additional staffing costs, IT costs and stationary/postage costs under the new programme. Short-term staff would need to be employed during peak seasons such as near the voter registration deadline. To quote one:

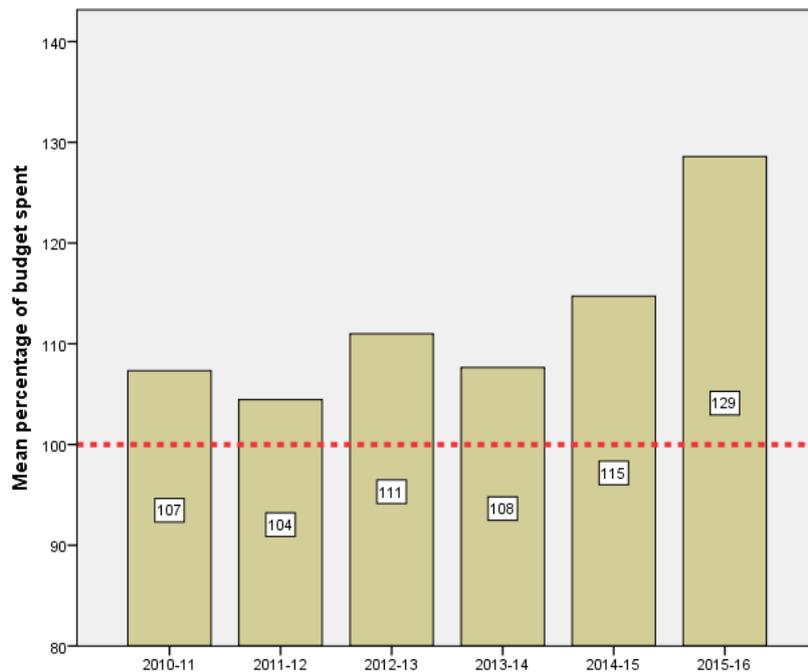
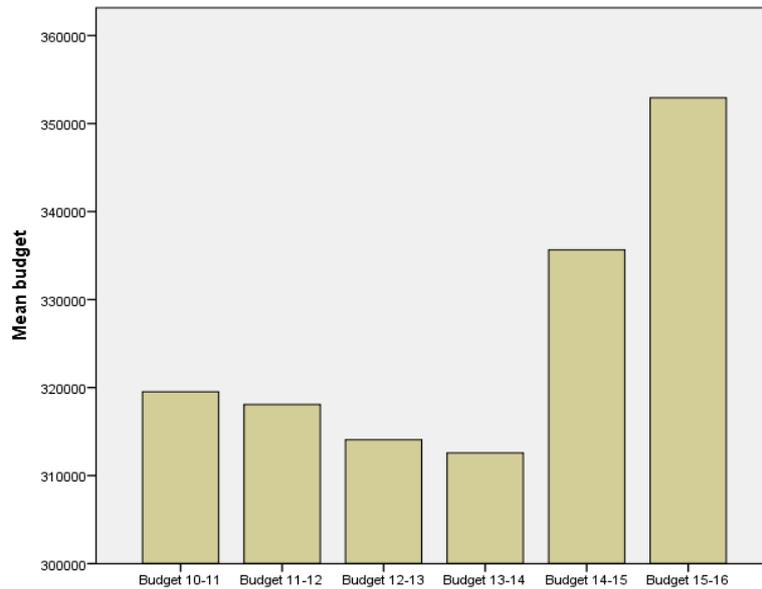
The costs of this will continue after the additional government funding ceases. This is a concern as there is no local funding. The outcome is likely to be that we will be forced to allow the accuracy of the register to decline because we cannot afford the additional resources to maintain it at its current high level of accuracy.

Further research from the University of East Anglia and ClearView research shows that the average budget for local authorities rose from 2010/11 to 2015/16, even allowing for inflation (see figure below).<sup>4</sup>

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<sup>4</sup> Toby S. James and Tyrone Jervier (2017) [The Cost of Elections: Funding Electoral Services in England and Wales](#), ClearView Research: London. Toby S. James and Tyrone Jervier (2017) '[The cost of elections: The effects of public sector austerity on electoral integrity and voter engagement](#),' *Public Money and Management*, volume 37(7).

During this period local authorities were also increasingly over budget. The transition to IER was the main change during this period suggesting. It appears that it therefore added a considerable financial cost to local authorities.



Research revealed that few electoral officials thought that citizens' confidence in the electoral process had improved –only 25 per cent said that it had. Respondents said that the public rarely gave it much thought

and 'didn't care' except, perhaps for when they heard occasional news stories about it. Neither was it felt that local politician's confidence had increased much. Electoral officials described them as having little understanding of the change.<sup>5</sup>

## **2. How well was the transition to individual electoral registration managed? How might it have been done differently?**

There is no evidence to suggest that electoral officials in local authorities and the Cabinet Office managed the process with anything other than professionalism.

The ministerial decision to 'fast track' the implementation of IER did have some negative effects, which could have been prevented, however. During the transition to IER, all existing elector details were checked against the government's Department for Work and Pensions database. Those that did not match government records were written to and invited to register. Gradually, the number of unconfirmed entries on the register fell to 1.9 million in May 2015 and then 770,00 by December 2015. Against the advice of the Electoral Commission and concerns in Parliament, the government ended the transition period early at this point so that all of these names were removed in December 2015.

This had two consequences. It firstly meant that there some electors who turned up at polling stations at electoral events in 2016 thinking that they were registered to vote, but were unable to do so. An evaluation of the 2016 Brexit Referendum, for example, reported that some electors were turned away and were unable to vote for this reason.

Secondly, it meant that the new parliamentary constituencies being designed by the Boundary Commissions were based on a register that was much smaller than it would otherwise have been. The December 2015 register being used had 1.4million fewer entries on it than the February 2014 register – the last one before IER was introduced.<sup>6</sup> This would mean that areas that had a high concentration of young people and students would potentially have less parliamentary representation in the future.

## **3. What other steps are necessary to improve the electoral registration process, and to increase the accuracy and completeness of registers in particular? Has there been sufficient Government focus on completeness of registers?**

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<sup>5</sup> Toby S. James (2019) *Comparative Electoral Management: Performance, Networks Instruments*. New York: Routledge.

<sup>6</sup> Toby S. James (2016). The growing electoral registration crisis. *Eastminster*. Retrieved from <http://www.ueapolitics.org/2016/02/24/2268/>

The All-Party Parliamentary Group on Democratic Participation has produced two reports setting out additional measures that could be introduced to increase both accuracy and completeness.<sup>7</sup> These are evidence-based reforms, which have drawn from the comparisons with practices elsewhere.

These would include:

- **Voter Registration in Schools:** The Northern Ireland Electoral Office's 'Schools Initiative' involves Electoral Registration Offices going into schools to encourage citizens to register to vote. They should be introduced in Great Britain so that registration may be incorporated into school life. A national programme of education in schools, colleges and sixth-forms regarding the benefits of voter registration could be introduced through a re-evaluation of citizenship education. A targeted teacher training scheme could be introduced so to ensure that all teachers have the knowledge to provide 'attainers' with correct information.
- **Support National Democracy Week:** Following the inaugural National Democracy Week, further support and resources should be made available for future weeks, which could include a voter registration drives for attainers and young people. However, there should be clearly defined KPIs for the week and opportunity for stakeholders to be involved.
- **Registering attainers:** Recipients of National Insurance number notification letters could be encouraged to register to vote online as a short-term measure. In the longer term, attainers could be automatically registered when they receive their first information from the government.
- **Caution with Voter ID:** The government should assess whether any reforms designed to reduce fraud will impact negatively on the completeness of the register or turnout and cost. They should also consider the evidence about the need for such measures given the exceptionally low level of electoral fraud.
- **Electoral Registration with other public services:** Citizens could be nudged to register to vote online when they access government services such as the National Citizen Service, paying Council tax, renewing car taxes or registering for benefits.
- **Election-day registration.** Election-day registration, where a citizen can register at a polling station could be trialled in the UK. This practice is common in other countries.
- **Electronic poll-books.** Rather than having Victorian paper copies of the electoral register in polling station, electronic versions could be used on tablets. This would allow real time monitoring of polling

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<sup>7</sup> Toby S. James and Bite the Ballot (2016) '[Getting the missing millions back on the electoral register](#),' the All Party Parliamentary Group on Voter Registration, April 2016.; Toby S. James (2019) [Comparative Electoral Management: Performance, Networks Instruments](#). New York: Routledge.

station traffic and citizens to vote at any polling station rather than the one where they live.

- **A single register.** Rather than having a patchwork quilt of hundreds of local electoral registers, the case for a single national electoral register should be reviewed. This would allow duplicate registrations and missing citizens to be picked up more easily. It would enable greater economies of scale in the updating process.
- **Simplifying EU registration.** In case future European Parliamentary elections do occur (Brexit remains uncertain), the requirement to complete an UC1 form should be changed to minimise the bureaucratic burden for EU citizens.
- **Centralised complaints system.** There is often public confusion about who to complain to when there are problems with voter registration. There should be a centralised complaints system for citizens, run by the Electoral Commission or the Local Government and Social Care Ombudsman.
- **Am I Registered Website?** Introducing a national website so that citizens can check their own registration status online would save them making calls to busy electoral officials at peak time.

#### **4. What other non-legislative measures might be necessary to encourage registration among groups that may be harder to reach?**

Other non-legislative options, in addition to those set out in answer to question 3, could include:

- **The Sheffield Model:** Universities should be encouraged to follow the 'Sheffield Model', in which registers students to vote, when they enrol at their university. The evaluation of efforts to improve student registration rates in universities as a result of the passage of the Higher Education Act should be undertaken to inform best practices in the future. Should sufficient progress not be made towards the registration of students then the 'sunrise clause' should be enacted so that universities are obliged to provide registration opportunities at the point of enrolment on their course.
- **A 'Big Tent' Approach:** The inclusion of civil society groups and academics in government reviews, consultations and working groups relating to registration is an important step for improved decision-making. Future Electoral Summits should include civil society and academics to enable knowledge sharing and learning.

#### **5. Has the Act been an effective measure in its stated intention of tackling electoral fraud? How has the implementation of the Act addressed offences such as personation and duplicate voting, and do further steps need to be taken to tackle these?**

Research described in answer to question 1 shows that the reforms have closed some opportunities for electoral fraud. Primarily it has closed a loophole by checking that everyone who registers to vote is a real person. This means that fictitious names cannot be added to the electoral register.

It does not mean that the names entered are necessarily eligible electors since there is no test of nationality undertaken.

It does also not necessarily prevent double voting. An elector could be registered in two or more constituencies and then vote more than once. There are no systematic checks on whether this has happened and this would be difficult to do because we have hundreds of electoral registers. The move towards single electoral register would prevent this problem.

It should be noted that although electoral fraud has gained considerable media and policy interest in recent years, particularly after high profile cases of electoral fraud, there is no evidence that fraud is a significant widespread problem.

## **6. How widespread are other voting fraud offences, such as postal vote fraud, in UK elections? What measures are needed to address these?**

Research from Alistair Clark and myself shows that electoral fraud is not widespread in UK elections (please also see answer to question 13).

It is sometimes claimed that electoral fraud is more prevalent amongst Pakistani and Bangladeshi communities. Research from studies undertaken with Alistair Clark do not support this, showing that concerns amongst poll workers that electoral fraud have taken place in their polling station are no higher in Pakistani and Bangladeshi communities than elsewhere.

## **7. Is the annual canvass fit for purpose? What are its main strengths and weaknesses?**

The main strength of the annual canvass is that it provides a regular opportunity to capture movements in the population and newly eligible citizens. If this was not undertaken, as it is in some countries, then the completeness and accuracy of the register would fall. It is therefore important that it should continue.

As the answer to question 1 describes, however, the process has become much more expensive to administer as a result of IER. It therefore drains resources from local authorities.

There is also widespread confusion amongst the public about the registration process. Many think that they are already registered because

they pay their council tax<sup>8</sup> or simply use the online application form close to an election.

### **8. Are the Government's plans to reform the annual canvass the right approach? To what extent are measures such as data matching a viable alternative to the full canvass?**

The plans to revise the annual canvass involve introducing 'data discernment step' which will allow Electoral Registration Officers to automatically re-register electors, that other sources suggest have not moved address. This is a very positive step forward and was recommended by the original Missing Millions report, which helped to inform this government strategy.<sup>9</sup>

This will enable local authorities to save time and resources by not asking citizens who are already registered, to reregister, where there is good evidence that they remain at the same property. This time and resource can then be spent focussed on those people who are not the register. These are important reforms which are necessary to redress the problems caused by the move to IER, namely under-registration amongst some groups and higher costs for local authorities.

The reforms will require legislation. This would be an opportunity to also introduce automatic registration for some groups such as 16-year olds when they receive their National Insurance Number (see above).

### **9. What has been the impact of introducing online registration? What challenges has this created for electoral administration?**

As noted in answer to question 1, the introduction of online registration has vastly modernised the electoral registration process. It significantly averted the decline in completeness of the electoral register that might have otherwise taken place.

It has created two negative consequences, however.

Firstly, there are a large volume of duplicate registration applications. A study by myself and Alistair Clark on the 2016 Brexit referendum revealed that 37 per cent of local authorities experienced extensive challenges with this (6 on a scale of 0-6) – and only 2 per cent experienced 'no challenges whatsoever' (see table below).<sup>10</sup>

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<sup>8</sup> Toby S. James (2014) '[Electoral Management in Britain](#)' in Pippa Norris, Richard Frank and Ferran Matinez I Coma (eds) *Advancing Electoral Integrity* (New York: Oxford University Press).

<sup>9</sup> Toby S. James and Bite the Ballot (2016) '[Getting the missing millions back on the electoral register](#),' the All Party Parliamentary Group on Voter Registration, April 2016.

<sup>10</sup> Alistair Clark and Toby S. James (2016) '[An Evaluation of Electoral Administration at the EU Referendum](#),' Electoral Commission, September 2016.

	No challenge whatsoever 0	1	2	3	4	Extensive Challenges 5	N
Election management software (EMS)	15	34	20	20	10	1	248
Levels of duplicate applications for registration	2	4	7	20	32	37	244
Proximity of May elections to the referendum	2	2	11	20	30	35	249
Confusion from the public about their registration status	2	-	7	16	32	44	248
Requirement to provide date of birth and National Insurance Number (exception/attestation process)	10	22	27	22	15	4	245
Insufficient staff	9	24	26	19	15	8	247
Insufficiently experienced staff	15	26	22	16	12	10	246

Secondly, it has increased the switch to seasonal applications where people register to vote when an election is called and the registration deadline approaches. This creates considerable workflow pressures which leads to workforce stress and risk of error. Staff in UK electoral services have amongst the highest stress rates in the world.<sup>11</sup>

### **10. Do you think that elections in the United Kingdom are currently well managed and regulated overall? If not, why not?**

The UK has unusual arrangements for managing elections with an ever-greater volume of actors involved.<sup>12</sup> The arrangements are a long way from the model that is often prescribed in the international community has involving a single central independent body running elections.

The system has broadly delivered very successfully, however. Studies repeatedly show that electoral officials are extremely dedicated to their profession and act with independence.

There are areas for improving the electoral process as the report on *Missing Millions, Still Missing*<sup>13</sup> and comparative research sets out. These are predominantly that there remain problems with the completeness of the electoral register, which can lead to some citizens not being able to vote, that Victorian practice remain and electoral services being underfunded.

<sup>11</sup> Toby S. James (2019) [‘Better Workers, Better Elections? Electoral Management Body Workforces Worldwide and Electoral Integrity’](#), *International Political Science Review*, 40 (3) 370-390.

<sup>12</sup> Toby S. James (2014) ‘United Kingdom: Electoral Governance in Transition?’ in International IDEA (eds) *Electoral Management Design Handbook*, Stockholm: International IDEA, Revised Edition. Toby S. James (2019) [Comparative Electoral Management: Performance, Networks Instruments](#). New York: Routledge.

<sup>13</sup> Toby S. James (2019) [‘Better Workers, Better Elections? Electoral Management Body Workforces Worldwide and Electoral Integrity’](#), *International Political Science Review*, 40 (3) 370-390.

**11. Sections 14-23 of the Act made a range of changes to electoral administration. What has been the impact of these changes? Do any of them merit reconsideration or revision?**

Allowing voters queueing at polling stations at close of poll to be issued with ballot papers was a very positive measure which prevented electors being disenfranchised. There has been no repeat of problems seen at the 2010 general election as a result.

The Act repealed legislation to establish a coordinated online record of electors. Although this initially saved some public money, it negative effects on the electoral process in many other ways, described in other questions.

**12. What other measures may be necessary to ensure that electoral administration is fit for purpose and that administrators are able to fulfil their roles effectively?**

There is a problematic complaints system for citizens, with citizens encouraged to submit any grievances to Returning and Registration Officers locally. Justice for voters, candidates and parties are reliant on a slow, expensive and antiquated system. A simple, one-stop shop, centralised complaints system is needed which is often available in other democracies. <sup>14</sup>

Electoral Registration and Returning Officers remain exempt from Freedom of Information Requests. This reduces transparency in the electoral process. It also prohibits comparisons of practices which could lead to better evidence informed prescription of best practice. For example, there is no requirement for them to publish their annual spending or budget.

**13. What is your view of the Government's proposals to require people to bring personal identification when casting a vote?**

There is no need for government to introduce voter identification requirements at polling stations.

Research with Alistair Clark has identified the frequency of different types of problems at polling stations in recent elections. These consistently show that personation is not a problem. The table below summarises data from the 2018 local elections in England.<sup>15</sup> These show that less than one percent of polling clerks and presiding officers were concerned that suspected cases of electoral fraud may have taken place in their

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<sup>14</sup> Toby S. James (2019) *Comparative Electoral Management: Performance, Networks Instruments*. New York: Routledge.

<sup>15</sup> <https://theconversation.com/voter-id-our-first-results-suggest-local-election-pilot-was-unnecessary-and-ineffective-100859>

polling station. In most cases even these problems were due to a misunderstanding rather than a deliberate attempt to manipulate the outcome of the election.

Potential Problem	Percentage of respondents reporting at least one problem
People asking to vote but not on register	52
Disabled voters having problems competing ballot papers	14
Members of parties being where they shouldn't be	9
Disabled voters having problems with access to the polling station	9
People taking photos of ballot/polling stations	8
Members of parties intimidating public	8
People ask to vote whose identity I was unsure of	5
Suspected cases of electoral fraud	1

There is evidence that depending on what model of ID was chosen, a national roll-out could cost up to £20.4m in a UK general election. Implementing this should not therefore be a priority.

### **Summary of Recommendations**

The Electoral Registration and Administration Act 2013 introduced major changes into how elections run in the UK. There have been some positive and negative effects. Going forward the committee should consider proposing legislation that:

- The move to a single electoral register
- A new complaints procedure
- The provision of 'Am I registered?' website
- The automatic registration of 16-year olds
- Mandatory electoral registration at other public services
- Removal of exemptions for Freedom of Information for EROs and Ros

**9 September 2019**