

Written evidence from the LGBT Foundation¹ (TEB 26)

Public Administration and Constitutional Affairs Committee The Elections Bill inquiry

We are specifically responding to **provisions on voter ID** in relation to the bill. As per the summary released by the Government, the new bill will make it mandatory for voters to “show an approved form of photographic identification before collecting their ballot paper” as a means of tackling the potential risk of election fraud. We wish to challenge this measure based on the following evidence:

- **Cost and access** – A Cabinet Office-commissioned study released in May 2011 found that 2 million citizens do not have access to voter ID. As per the findings of the Electoral Commission in 2015, 11 million citizens do not have a passport or driver’s license. There is a direct correlation to access to wealth, as lower income households are less likely to have valid photo ID. The current proposal will have an estimated cost of £40 million to the taxpayer over the next decade, in an economy that has already been severely impacted by the ongoing pandemic and associated global economic downturn.
- **Precedent** – Minister of State for the Constitution and Devolution, Chloe Smith, said that the process is part of keeping laws “in line with the modern world.” According to research carried out by the Brennan Center for Justice, similar photo ID provisions have led to widespread disenfranchisement in other countries like the USA. In every instance recorded in the USA, provisions for voter ID have resulted in ethnic minority, LGBTQ+ voters, and disabled voters being disproportionately prevented from voting. Even in the UK, small-scale pilot trials of voter ID in 2018 and 2019 resulted in 1,159 voters being turned away at the polling station. This is compared to just one conviction and just one police caution for electoral fraud out of 34 total allegations in 2019 nationally.
- **Specific impact on trans voters** – Transgender voters are already severely limited in being able to access appropriate ID. Achieving gender recognition is limited by major obstacles related to cost, medical access, and lack of availability in the UK, which then makes it even more difficult to access ID that reflects voters’ gender. Since gender markers are a standard aspect of all forms of photo ID in the UK, that means that any trans voter whose identity does not match with the gender marker they would legally have been assigned at birth will be automatically turned away from voting. This is supported by preliminary current research carried out by Stonewall and LGBT

¹ We are a national organisation headquartered in the Greater Manchester area, working to advocate for, support, and amplify the needs of the LGBTQ+ community. We directly provide services to over 40,000 people annually as well as offering online advice to over 600,000 people, which gives us the largest reach of any organisation working in the sector.

Foundation, which has found that trans respondents are significantly less likely to have any form of valid photo ID compared to cisgender counterparts. This is also supported in journalistic investigations carried out by Forbes, Gay Times and Pink News. This disparity is made even worse by added forms of marginalisation, such as being disabled or coming from an ethnic minority background. As per Privacy International, voter ID requirements in Argentina, France and the Philippines have not only led to trans voters being prevented from voting but have also added to levels of harassment and abuse already faced by the community at large.

- Specific impact on non-binary voters – As of 2021, there is no legal provision in the UK for recognising non-binary gender markers in photo ID. As seen in preliminary research findings carried out by Stonewall and LGBT Foundation, this places non-binary voters in an extremely difficult situation regarding voter ID requirements. The proposed bill will effectively encourage identity fraud, as non-binary voters will have to identify with a gender that is false in order to be able to access their ID and ballot. This is a direct contravention of the right to self-determination that is central to the democratic values purported to be protected by the new proposals. As per the UN Independent Expert on Sexual Orientation and Gender Identity, this form of specific non-binary disenfranchisement is a violation of international human rights standards.

We strongly urge the Government to reconsider the proposed Elections Bill as it is undermining voter rights and will inevitably cause widespread disenfranchisement for minority communities. We wish to draw attention to the dedicated information base collected by the Electoral Reform Society available online as further proof of why this bill is harmful and an attack on democratic freedoms.

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