

## Written evidence from Democracy Volunteers<sup>1</sup> (TEB 31)

### Public Administration and Constitutional Affairs Committee

#### The Elections Bill inquiry

#### Provisions on Voter ID

##### Our Experience of Observing Voter ID in practice in other countries

Democracy Volunteers has observed ID in use at elections across Europe and North America, in Northern Ireland in the UK, and at the Voter ID trials conducted in specific councils across England in 2018 and 2019. We are aware that the UK is an outlier amongst OSCE countries regarding the lack of a national ID system, which is the basis of the use of ID in polling stations in many countries.<sup>2</sup>

On our observations abroad, Voter ID is often used at elections to help discourage and prevent electoral fraud, particularly so-called ‘personation’. Countries such as The Netherlands use a dedicated citizen ID card, which all citizens are issued with, to prove a voters’ identity alongside an individual’s scannable polling card. Other elections, such as those in Northern Ireland, allow for a wider range of documents to be used. Many of these are often less ‘formal’ forms of ID, such as expired bus passes for example, and this distinction is important to reduce the impact that ID checks can have on excluding voters where a national ID system is not in place.

---

<sup>1</sup> Democracy Volunteers is a UK-based election observation group, accredited by the UK’s Electoral Commission to independently observe elections within the UK. We have over 300 accredited observers at present with many more on our roster for elections across the world. We have two members of staff and many volunteers to support our work. We are a member of the Global Network of Domestic Election Monitors (GNDEM) which is the group, set up at the United Nations, to regulate and accredit independent groups observing elections around the world.

We regularly observe elections across the UK, Europe, and North America, with observer teams ranging from 4 to over 200+ short-term observers alongside expert teams of long-term observers, dependent on the electoral event being observed.<sup>1</sup> During our deployments we can witness how the polling process is managed and conducted, in practice, inside polling stations, verification/counting venues, and postal vote opening sessions. This is supplemented by the meetings we hold with relevant interlocutors such as electoral commissions, government departments, local government officials, political parties, and the media. We are independent and apolitical and aim to objectively assess the electoral process with a view to improving the electoral process, through recommendations, based on our observations.

In the UK we observe the regular May round of elections, as well as parliamentary by-elections and other electoral events such as referendums. We have recently observed in Slovakia, Finland, and Gibraltar as well as other countries in Europe where we make recommendations on how to improve the electoral process for voters and many of these recommendations have been taken up by those respective governments.

We offer evidence to the Committee based on the work we have conducted: the provisions on voter ID, changes to postal and proxy voting, undue influence, and electoral intimidation as well as overseas/advanced/absentee voting. This submission has been prepared by our Director, Dr John Ault and our Head of Operations, Harry Busz, with the support and comments from some of our other electoral experts.

<sup>2</sup> The OSCE/ODIHR is the body by which the UK deploys international election observers across the OSCE countries and the international body that is responsible to observe UK national elections.

Other countries, such as the Republic of Ireland, have a hybrid system where ID can be required from a voter before the issuing of their ballot. This is done on the basis that one in four voters has their ID checked: voters should have their ID with them if it is required to be checked but not all voters have it checked. This is a more permissive system than so-called mandatory ID. If a voter does not have official ID, which might be comparable to the situation in the UK, with no national ID card system, those presenting themselves at polling stations without ID are permitted to attest or swear to their identity. This affirmation is often done on *The Bible* in Ireland but there is discussion about this declaration being sworn on other equivalent texts.

### Observing the Voter ID trials in England

On May 3rd 2018 and May 2nd 2019, Democracy Volunteers deployed observers across the councils where Voter ID Pilots were taking place.<sup>3</sup> Data collected by our independent, non-partisan observers identified that a number of exclusions took place, where voters did not have the correct identification to be able to vote.<sup>4</sup> In 2018, our observer teams also reported seeing an elector being issued with a tendered ballot, as someone had previously voted under their name earlier in the day, showing that human errors, such as this, are not necessarily prevented by an Voter ID system. Cases of personation are often the result of errors at the time of checking the polling card, or accepting the name and address of the voter, and checking this on the paper-based electoral register. The introduction of mandatory Voter ID would not prevent this aspect of human error in the voting process.

In 2019, our observers found that certain age groups were most likely to be excluded, with those in the age groups of 25-34, 35-44 and 45-54 being turned away most often. Observers also reported that ethnic minority voters were disproportionately excluded from the voting process and that when white voters were excluded this tended to be in more economically deprived areas.

Our observers also identified the reasons why voters were unable to vote during the 2019 trial. In 55% of cases the reason given was that voters simply did not have the correct ID with them, 26% because they were not aware it was a requirement despite local publicity campaigns on the issue and 12% because they did not even own the correct ID. We are pleased to see that 'Voter Cards' would be offered free of charge, if the introduction of ID to vote goes ahead, measures will have to be taken to ensure the electorate is better informed about the changes to ensure they are not excluded from voting. Even in areas where there were widespread local information campaigns before the 2018 and 2019 pilots, many voters arrived unaware of the requirement and some simply did not possess it. This gap, between the policy and the impact that it will have on those without ID, needs considerable attention to avoid the suggestion that this will unbalance access to the franchise for many citizens without ID.

Finally, it is important to consider that the introduction of Voter ID will require additional resources for local councils, to both issue 'Voter Cards' and to check and verify these in polling stations. As our recent research on the funding of elections in England shows, councils' elections departments are already under stress due to funding rising by levels below inflation and the average number of staff in elections teams falling.<sup>5</sup> Where Voter ID trials

---

<sup>3</sup> 2018: Bromley, Gosport, Swindon, Watford, and Woking & 2019: Derby, Mid-Sussex, Pendle and Woking

<sup>4</sup> <https://democracyvolunteers.org/wp-content/uploads/2019/05/english-local-elections-2019-final-report.pdf>

<sup>5</sup> <https://democracyvolunteers.org/2021/08/27/democracy-under-stress-a-report-into-elections-funding-in->

have been conducted in the past, extra staff members had been available, sometimes as many as double the usual amount used normally, supported by extra financial resources. The trials were also conducted at local elections which historically have lower turnouts than Westminster general elections. Therefore, for the proposed legislation to be put into practice, council elections teams, across the country, will have to be appropriately financially supported and augmented in their complement.

## **Changes to postal and proxy voting**

Democracy Volunteers has investigated postal voting in depth over recent years, with our work finding two key issues which worry our observer teams.<sup>6</sup> Firstly, over 2% of all postal votes cast (not issued) at the 2019 General Election were never included in the counting process because of non-matching personal identifiers.<sup>7</sup> In some constituencies, the worst being Airdrie and Shotts, this figure was above 10% of all postal votes returned. As the number of voters choosing to cast their votes through this method has increased in recent years, this reflects a very significant number of votes being excluded which has the potential to impact the outcomes of elections. At elections in the UK, voters are not made aware, by their local Returning Officer, that their vote has not been counted until up to three months after polling day. Unlike many other countries, there is no way to remedy this before polling day, allowing the voter to cast a replacement ballot.

Secondly, postal voting is an unsupervised form of voting, which lacks the oversight of a polling clerk/presiding officer and the formality of a polling station where electoral standards, such as protection of the secrecy of the ballot, can be observed. As such, the practice of Family Voting, which we will discuss in more detail in the following section, is unmeasurable in these settings and so undue influence, coercion, or oversight is possible.

Finally, the introduction of voter ID in polling stations would seem to create a dichotomy of access to those voting in person and those voting at home. The introduction of Voter ID could see many voters turn to postal or proxy voting to bypass the voter ID requirement. This could lead to much greater concern over the legitimacy of the voting process if fewer and fewer electors use the supervised method of voting, in a polling station, where voters are able to have a secret ballot, something that is not assured at home.

## **Undue influence and electoral intimidation**

### Family Voting

During election observations, one of Democracy Volunteers' key measures of the quality of the electoral process is that electors have a secret ballot. A particular activity of concern is so-called 'Family Voting', an electoral infringement where a voter is unduly influenced, coerced, or overseen by another member of the public (often a family member or friend) whilst in the polling booth. OSCE/ODIHR, the international organisation responsible for overseeing elections in the UK, describes 'Family Voting' as an 'unacceptable practice'.<sup>8</sup> We see Family Voting on every election observation we conduct in the UK.

---

england/

<sup>6</sup> <https://democracyvolunteers.org/uk-elections-2021/postal-voting-2021/>

<sup>7</sup> The main reasons for a vote to be excluded is because the date of birth or signature is incorrect. They can also be excluded if the incorrect ballot paper is in the envelope which can happen where voters live together.

<sup>8</sup> <http://osce.org/>

This practice can take many forms, such as family members voting together in the same polling booth, oversight of another person's voting to make sure they are voting the 'right way', and even carousel voting, where one person completes several ballots for their family before they individually deposit them in the ballot box. Those who suffer from this intimidation, coercion, or oversight are more likely to be female, elderly, or first-time voters.

Levels of Family Voting vary across the different countries we observe in. In the UK we have consistently seen it occurring more often than in other comparable nations. For example, in the 2019 UK General Election, the activity was identified in 27% of the 983 polling stations we observed across a cross-section of the UK, affecting 900 of the 25,989 voters (3%) we witnessed vote.<sup>9</sup> In comparison, at the 2019 Netherlands Elections, Family Voting was observed in 11% of polling stations with 0.4% of voters affected.<sup>10</sup>

Thus, whilst the Bill may extend the definition of harms and increases protection for voters, consideration should be given to undue influence and electoral intimidation whilst voters are inside the polling station by what might be considered normal behaviour to some but is, in reality, someone having undue influence over another's vote.

### **Advanced Voting, Voting Overseas and Absentee Voting**

Many western democracies allow other forms of supervised voting, such as advanced voting and overseas voting. We see these in many countries we observe. Both have merits that could engage a wider cross-section of the population in the voting process, making voting easier.

#### Advanced Voting

Voting in the UK traditionally takes place on Thursdays and in recent years has been conducted between 7am and 10pm. Many countries have central polling stations where voters can vote in person, in advance of polling day, without the need for attending a polling station on polling day itself. In some countries, like Finland, many voters now cast their ballots this way making the election process more convenient for them.<sup>11</sup> The introduction of several central advanced polling stations could increase the accessibility of the electoral process and is something we would recommend consideration of as part of the Elections Bill. This could also lead to shorter polling days as voters move to advanced voting as their preferred method of voting.

#### Voting Overseas

The extension of the rights of expatriate voters to have access to the UK's franchise in elections poses some challenges to those wanting to maintain their interest in the electoral process from potentially long distances.

---

<sup>9</sup> <https://democracyvolunteers.org/wp-content/uploads/2020/01/uk-ge-2019-final-report-300120.pdf>

<sup>10</sup> <https://democracyvolunteers.org/wp-content/uploads/2019/05/netherlands-provincial-and-water-board-elections-final-report-3.pdf>

<sup>11</sup> <https://vaalit.fi/en/voting-in-advance>

As the most likely option this group will use is postal voting, their potential exclusion from the electoral process is considerable with the time required to issue them with a postal vote and for them to return it.

Some countries, Finland for example, allow voters to vote in embassies, consulates and other public spaces in the weeks leading up to their elections and the relevant body then sends these back to the election authorities in the home country for processing.

The UK's diaspora is extensive and whilst this may not be a perfect solution to the problem of expatriate votes not being counted, it would afford greater certainty to those overseas that their vote will arrive in time and be counted.

### Absentee Voting

Some jurisdictions allow voting in situ for those living in sheltered accommodation, nursing homes etc. This allows older voters the opportunity to vote 'in person' but at home, whilst not being required to complete a postal vote.

This is generally conducted by a designated team that attends local sheltered housing for those who are less able to get out. Postal voting is often seen as an alternative to this form of voting but as has been mentioned earlier over 2% of postal votes are completed incorrectly and never counted in the final tally of votes. As the acceptance of a postal vote is based on a comparative signature this group of voters, as they become more infirm, it may be this group that is being disproportionately excluded because their personal identifiers do not match.

### **Recommendations**

1. Postal Voting - voters should be informed before polling day if their postal vote has been declared invalid by the Returning Officer, due to the mismatching of personal identifiers, so that this can be rectified ahead of polling day.
2. 'Family Voting' needs to be considered a much more significant problem within the voting process and affects the secrecy of the ballot for many. Returning Officers and their staff need to be trained to identify it, and to intercede to prevent it, to maintain the integrity of the secret ballot. Voting together in a booth is already a breach of the secret ballot so further legislation may not resolve this problem, implementation of current laws might well assist in giving more voters the opportunity to vote in secret.
3. Advanced Voting should be considered to allow the electorate not to be limited to voting within the 7am to 10pm window, on one day. Voting over several days is a widespread practice in other countries and one which might see more voters able to access the franchise without needing to use a postal vote.
4. Allowing expatriate voters the opportunity to vote in official overseas premises, such as embassies and consulates, in advance of an election, would see many of those who have the franchise able to receive and complete their ballots without the impact of international post undermining their ability to return it in time.

*August 2021*