

## Written evidence from Stonewall (TEB 32)

### Public Administration and Constitutional Affairs Committee The Elections Bill inquiry

#### Introduction

1. Stonewall welcomes the opportunity to respond to the Committee's inquiry on the Elections Bill. Our submission will focus specifically on the provisions of the Bill as they relate to Voter ID, and how these proposals may impact access to democracy for LGBTQ+ communities.
2. Stonewall supports the concerns raised by many human rights advocates and stakeholders across the sector in that **voter ID provisions in the Elections Bill seek to solve a problem that does not exist**. The rationale put forward by the Government for the introduction of voter ID includes "*giving voters confidence that their vote is theirs, and theirs alone, by tackling electoral fraud and intimidation*". However, data suggests that **public confidence in the British voting system is high**. For example, the Electoral Commission's most recent study of public attitudes around elections and democracy in 2021 found that **80 per cent** of people were confident that elections were run well, with **87 per cent** believing that voting in general is safe from fraud and abuse.
3. Furthermore, data demonstrates that **rates of voter fraud are low**. In 2019, there were 595 cases of alleged electoral fraud investigated by police, leading to **only four convictions and two police cautions** (Electoral Commission). In terms of cases of 'personation' (the type of Voter ID fraud this legislation seeks to prevent), the rates are even lower as the Commission found that "*out of over 50 million votes cast in all elections in 2019, there was only one conviction for personation and one caution*". Similarly low rates have been documented in previous years, and "there remains no evidence of large-scale electoral fraud".

#### Northern Ireland

4. The Government has cited the Northern Irish model as an example of good practice and voter ID operating *well*. However, we echo Rachel Hopkins MP in that:

*"the situation [in Northern Ireland] could not be more different...Faced with high levels of documented, in-person electoral fraud, Northern Ireland introduced mandatory ID in 1985, and a free electoral ID card in 2002...in a different context and faced with military-style organized in person-fraud, an ID scheme was a proportionate response to protect the integrity of elections in Northern Ireland. That level of voter ID fraud has not been identified elsewhere in the UK".*

5. It is also worth noting that the introduction of Voter ID in Northern Ireland impacted voter turnout, with the Electoral Fraud (Northern Ireland) Act 2002 resulting in

around an estimated 25,000 people not voting as they did not have the required identification, and 3,500 people initially refused a vote for not presenting identification. Furthermore, those who were impacted were disproportionately from disadvantaged groups, including disabled people, people in socio-economic group DE, and young people aged 18-24.

#### Voter ID Pilots

6. The Government has also cited the 2018 and 2019 Voter ID pilots as an example of Voter ID working well, stating ‘no demographic group of those examined has been adversely impacted by the pilots’ (House of Commons, 2021).
7. However, a briefing by the Local Government Information Unit found that the Government offered an ‘optimistic interpretation of extremely limited evidence’ in relation to the pilots. It also criticized the Government’s evaluation of the pilots for not considering the number of people turned away from voting, in that over **37 per cent** of those who were refused a ballot paper did not return to vote. In two areas, just under half of those turned away did not come back with ID (Hopkins, 2021).
8. It is also worth noting that the legality of said pilots is still being tested in the Courts, with the case of Coughlin going to the Supreme Court in due course. Stonewall and LGBT Foundation are intervening in the case, where we will highlight the potential impact of Voter ID requirements on LGBTQ+ communities.
9. **The Bill is not solving a problem, but rather risks disenfranchising marginalized communities – including those who are LGBTQ+. It is crucial that the Government creates policy that is evidence-based and does not disproportionately impact marginalized groups – including those with protected characteristics.**

#### Available Research: Impact of Voter ID on LGBTQ Communities

10. LGBTQ+ young people make up one quarter of the youth homeless population - a disproportionately high figure given the percentage of young people who identify as LGBTQ+ (4.4 per cent of those aged 16-24 years old). This group is less likely to have a fixed address, and may therefore face barriers upon obtaining a birth certificate and/or other official documentation.
11. To address the lack of evidence in a UK-specific context, Stonewall and LGBT Foundation developed a survey to get UK-specific data on the impact of the proposed voter ID requirements on LGBTQ+ people. The survey asks about ID ownership, including whether ID matches an individual’s gender identity and presentation, and whether they have experienced problems having ID accepted in the past. We also seek to gain qualitative information about the barriers or concerns that make respondents less likely to acquire or use ID to vote – such as cost, bureaucracy, lack of other documentation, as well as which concerns are most significant.

12. We launched the survey on 11<sup>th</sup> August 2021 and have received 1,033 responses as of the 31<sup>st</sup> August, and we wish to highlight our interim findings to the committee.

13. In relation to **ID and Voting**, our survey found that:

- Nearly four in ten respondents (38 per cent) said that they would be less likely to vote if they had to present ID.
- Just 3 per cent said that they would be more likely to vote.
- Over one-third of respondents (35 per cent) said that they would be unlikely to apply for a free Voter Card at their local electoral office, if one were available.

14. Furthermore, the top five most common **Barriers and Concerns** in relation to obtaining voter ID were:

1. Receiving intrusive questions from other people when applying for or presenting ID (38 per cent)
2. Obtaining ID taking more energy than I have available (37 per cent)
3. Being unable to easily print documents (32 per cent)
4. Being 'outed' as trans when applying for or presenting ID (31 per cent)
5. Obtaining ID taking more time than I have available (26 per cent)

15. Other major barriers or concerns included it being impossible to get ID that reflects a non-binary identity (23 per cent), being unable to afford the direct cost of obtaining ID (23 per cent), and it being difficult or impossible to get ID that reflects their chosen name and gender (21 per cent).

16. 14 per cent of respondents said that they are currently waiting for an appointment at a Gender Dysphoria Clinic.

17. The demographics of survey respondents are as follows:

- 38% of respondents are trans
- 32% of respondents identify as disabled, and 60% have a long-term physical or mental health condition
- 37% of respondents are men, 34% are women, and 24% are non-binary
- 41% of respondents are gay/lesbian, 20% are bisexual, 13% are queer, 10% are ace, and 10% are pansexual
- 94% of respondents are white, and 6% are people of colour (of which 3% are of mixed ethnic backgrounds, 2% are Asian or Asian British and 1% are Black or Black British)
- 10% of respondents have experienced homelessness in the past five years
- 20% of respondents are eligible to receive government benefits

18. These are provisional findings, as the survey will remain in field until 17<sup>th</sup> September. Nevertheless, they paint a clear picture as to the potential negative impact of Voter ID provisions on LGBTQ+ communities.

19. Stonewall are happy to share our final findings with the Committee when the survey concludes.

#### Voter ID: Elections Bill

20. The Bill requires voters to show ID in polling stations for UK parliamentary elections and local elections in England. Types of ID admitted include passports, driving licenses and Blue Badge cards, among other types. The Bill clarifies that a Presiding Officer can refuse a ballot if they have reasonable suspicion that there is personation or that the identification document is forged.
21. Stonewall is concerned that the requirement to produce voter ID could prevent many LGBTQ+ voters, as well as voters from other marginalized groups, from engaging fully and fairly in democratic processes.
22. As stated above, available research suggests that LGBTQ+ people are less likely to have the funds to obtain photographic identification, or face barriers such as not having a fixed address.
23. Furthermore, for many trans, non-binary, and gender nonconforming people, the photograph, name, and/or gender marker on their legal documents may not reflect their appearance or gender identity. Therefore, the introduction of Voter ID could inadvertently result in them being turned away from voting stations, or simply deciding not to vote for fear of this happening. For example, **38 per cent** of respondents to our survey were concerned about receiving intrusive questions when applying for or presenting ID, and **31 per cent** were concerned about being 'outed' as trans when applying for or presenting ID.
24. It is therefore crucial that government funded training is rolled out to Presiding Officers, Polling Clerks and other related staff to ensure that they understand the specific needs of LGBTQ+ voters, are confident in the processes that ensure LGBTQ+ people are able to vote, and take into account the specific barriers and fears which may dissuade LGBTQ+ people from voting. It is also crucial that any equality impact assessment of such measures specifically includes the needs and experiences of trans and gender non-conforming people.

#### Voter Cards

25. The Bill states that people without existing photo ID will be able to apply for a free voter card from their local council to use in the polling station. Stonewall are concerned with the suggestion that such cards will 'solve' the issues raised above in relation to voter ID requirements.
26. At the outset, it is worth noting that the take-up of such cards in the 2018-2019 pilots was very low ([Electoral Commission](#)). In Stonewall's survey, over one-third of respondents (35 per cent) said that they would be **unlikely** to apply for a free Voter Card at their local electoral office, if one were available.

27. Furthermore, much of the information around how an elector can apply for a voter card, what evidence will need to be provided and the process itself, is yet to be released - with the Government stating that this will be made available through secondary legislation. This is deeply concerning, as voter cards have been positioned as a solution to mitigate inequalities that will follow from voter ID requirements, but we still do not have a full picture of what this may look like in practice.
28. Nevertheless, we do know such cards 'must contain the elector's full name...and a photo' ([House of Commons, 2021](#)).
29. But for many LGBTQ+ people, information stored on the electoral register may not correspond with ID they use in other contexts. Many trans people may be living by a name that does not correspond to the name on their official documents, which may impact their application for a Voter Card. For example, a trans person may be living by a name that does not correspond to that on the electoral register (where they may be registered as their dead name given at birth). It is also possible that a trans person may not have enough documentation to 'prove' their current name if needed.
30. We are also concerned that trans and gender non-conforming individuals may **still** face being turned away at the polling station should their photo not match their appearance. We understand that the Government's proposals seek to ensure that photos on voter cards reflect the current appearance of electors. However, some trans and gender non-confirming people may not wish to use ID that risks them being outed. It is also possible that some trans and gender non-conforming people may present differently on different days, or may not feel safe to present as trans in certain public situations due to fears over abuse and harassment. As such, Presiding Officers and Polling Clerks may still not accept said voter cards, or perhaps may make assumptions when making decisions about whether to accept identity documents.
31. The existence of such barriers may cause many trans and gender non-conforming people to retreat from the process altogether, through fears of being turned away by a Presiding Officer, or presented with other situations that pose the risk of misgendering, exacerbating gender dysphoria, and/or experiencing harassment. We understand measures such as privacy screens at polling stations have been discussed in order to mitigate such risks, however this may operate to further marginalize these communities as they may need to 'out' themselves in using them.
32. Furthermore, should the application process for a voter card require proof of address, this could still raise issues for the disproportionate numbers of LGBTQ+ people who are homeless (as stated above).
33. **Voter Cards do not 'solve' the problems that voter ID will produce, but rather still present barriers to voting for LGBTQ+ people and other marginalized communities. Stonewall believe that it is unacceptable we still do not know enough about voter cards, and that a draft copy of statutory guidance must be produced by Government, of which there is precedent for this in the past. Any plans for secondary legislation – including the possibility of producing statutory guidance- must be sufficiently comprehensive and made available for scrutiny. Lastly, it must be developed in a manner that is LGBTQ-inclusive and alive to the community's needs and concerns.**

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