

Written evidence from The Patchwork Foundation (TEB 47)

Public Administration and Constitutional Affairs Committee The Elections Bill inquiry

1. INTRODUCTION

- 1.1 This is a response to the Call for Evidence by the Public Administration and Constitutional Affairs Committee (the “**Committee**”) on the Elections Bill introduced in the House of Commons on 5 July 2021 (the “**Bill**”). This submission is made by the Patchwork Foundation (“**Patchwork**”), a UK charity seeking to promote the active participation of young people from disadvantaged and minority backgrounds in British democracy and civil society. Patchwork’s work includes (i) hosting regular events attended by members of minority communities and leading politicians to encourage the free exchange of ideas and concerns (over 30,000 people from under-represented communities have attended our events); and (ii) offering a 10-month masterclass programme (with over 150 graduates to date) that seeks to educate and train young adults from underprivileged backgrounds by providing classes led by key political and public figures.¹
- 1.2 Patchwork, like many other stakeholders, is concerned by the likely negative impact the Bill’s introduction of voter identification (“**ID**”) requirements will have on access to democracy and voter turnout, particularly among under-represented groups. However, Patchwork does not seek in this submission to call for the removal of the Bill’s voter ID provisions. Rather, our position is that the introduction of the Bill provides an opportunity to implement positive measures to support participation by young people and other under-registered groups.
- 1.3 This opportunity is particularly important, not only given the persistent challenge of engaging young people and ensuring that elections are demonstrably representative of society as a whole, but also given current concerns about the Bill’s new voter ID requirements. The implications of such measures are well-documented:
- (a) A report published by the Electoral Commission in February 2021 found that 4% of eligible voters did not hold a required form of photo ID and that this figure was materially higher among certain disadvantaged groups such as the unemployed (11%), those renting from a local authority (13%) or housing association (12%), and disabled people (8%);² and
 - (b) A study commissioned by the Cabinet Office and published on 31 March 2021 shows similar trends. While 9% of all respondents lacked a form of valid photo ID,³ this number rose among disabled respondents (who were 3% less

¹ Our website: <https://patchworkfoundation.org.uk/>

² “Public Opinion Tracker 2021”, Voter Identification in polling stations, The Electoral Commission (February 2021, as updated on 22 June 2021): <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/public-attitudes>

likely to hold any form of photo ID than non-disabled respondents), respondents without qualifications (who were between 3-6% less likely to hold any form of ID than respondents with qualifications), and respondents in the West Midlands, South West and Yorkshire and The Humber (who were between 2-3% less likely to hold any form of ID than respondents living in London and the North West).⁴

(c) A study conducted by YouGov in February 2021 found that 2% of respondents aged between 16-24 (i.e. over 140,000 people)⁵ did not hold any accepted form of photo ID.⁶

(d) A paper published by the Runnymede Trust for the Joint Committee on Human Rights Inquiry 2020 found that a “*disproportionate*” number of the 11 million people in the UK who do not hold a form of photo ID are from BME backgrounds and are “*largely constituted in the multi-racial working class*”.⁷

1.4 One way to improve the participation of affected groups, which Patchwork advances in this submission, would be for the Bill to be amended to introduce a system of automatic voter registration (“AVR”). As further detailed below, Patchwork, in particular, supports the proposal recommended by (among others) the Electoral Commission⁸ and the All-Party Parliamentary Group (“APPG”) on Democratic Participation⁹ that citizens be automatically added to the electoral register when they are issued a National Insurance number (“NINo”) in advance of their 16th birthday. For the reasons provided below, the introduction of the Bill provides an opportune moment for this much-needed change to the British electoral system.

³ A form of photo ID that has not expired with a photo that accurately reflects the individual’s current appearance.

⁴ “Photographic ID Research – Headline Findings”, pp.5-6, IFF Research (31 March 2021): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/984918/Photographic_ID_research-headline_findings_report.pdf

⁵ “National level population estimates by year, age and UK country”, Stats Wales, <https://statswales.gov.wales/catalogue/population-and-migration/population/estimates/nationallevelpopulationestimates-by-year-age-ukcountry>.

⁶ “Public Opinion Tracker 2021”, Q16A in the Public opinion tracker 2021 tables, The Electoral Commission (February 2021): <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/public-attitudes>

⁷ “Black people, racism and human rights’ - Joint Committee on Human Rights Inquiry 2020”, Democracy, The Runnymede Trust (2020): <https://committees.parliament.uk/writtenevidence/11519/html>.

⁸ “Completeness in Great Britain”, Age, The Electoral Commission (2 October 2019): <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/accuracy-and-completeness-electoral-registers/2019-report-2018-electoral-registers-great-britain/completeness-great-britain>

⁹ “Getting the ‘Missing Millions’ On To The Electoral Register: A vision for voter registration reform in the UK”, Recommendation 25 on p.16, Bite the Ballot, T.S. James and ClearView Research (April 2016): <https://tobysjamesdotcom.files.wordpress.com/2013/11/getting-the-e28098missing-millions-on-to-the-electoral-register-report-appg-on-democratic-participation-bite-the-ballot-dr-toby-james-clearview-research-2016-1.pdf>

2. THE NEED FOR AVR: REGISTRATION AND PARTICIPATION RATES IN THE UK

2.1 Recent studies clearly demonstrate the failures of the existing voter registration system and reveal a worrying long-term trend of falling registration rates for young people. For example, a report published by the Electoral Commission in 2019 on the accuracy and completeness of the electoral register found that:

- (a) local government and parliamentary registers in December 2018 were only 83% and 85% complete (respectively), with between 8.3 and 9.4 million eligible voters in Great Britain not correctly registered on the local government registers;¹⁰
- (b) the lowest level of completeness according to age group was observed for attainers¹¹ at 25% (compared with 94% for those aged over 65), down from 45% in 2015. The Electoral Commission also reported that the introduction of the individual electoral registration (“IER”) system¹² in 2014 had led to a significant decline in the registration rate for attainers;¹³ and
- (c) the lowest level of completeness according to ethnicity group was recorded for voters from “other” ethnic backgrounds at 62%. Levels of completeness were also lower for those from Asian (76%), Black (75%) and mixed (69%) backgrounds compared with voters from a white ethnic background (84%).¹⁴

2.2 These findings are mirrored in voter participation data:

- (a) Turnout in the 2019 General Election was significantly lower among younger people (only 54% of 18-24 and 25-34-year olds turned out to vote), compared with older age groups (in particular people over 65, 77% of whom voted in the election).¹⁵ These figures are in line with the turnout at the 2015 and 2017 General Elections which ranged from between 40-50% among young voters to over 80% among older voters.¹⁶

¹⁰ “2019 report: Accuracy and completeness of the 2018 electoral registers in Great Britain”, The Electoral Commission: <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/accuracy-and-completeness-electoral-registers/2019-report-accuracy-and-completeness-2018-electoral-registers-great-britain>

¹¹ Citizens who are not yet eligible to vote because of their age, but will become enfranchised in the twelve month period starting on 1 December after they make their application (i.e. 16-17 year olds in the case of parliamentary elections).

¹² Under this system, attainers (rather than a parent or guardian) are required to register themselves.

¹³ “Completeness in Great Britain”, Age.

¹⁴ *Ibid.*, Ethnicity. See also “1 in 4 black and Asian voters are not registered to vote, warns the Electoral Commission”, The Electoral Commission (18 November 2019): <https://www.electoralcommission.org.uk/media-centre/1-4-black-and-asian-voters-are-not-registered-vote-warns-electoral-commission>.

¹⁵ “Political disengagement in the UK: who is disengaged?”, para 3.4, House of Commons (25 February 2021): <https://researchbriefings.files.parliament.uk/documents/CBP-7501/CBP-7501.pdf>

¹⁶ “The myth of the 2017 ‘youthquake’ election”, British Election Study writing for BBC News (29 January 2018): <https://www.bbc.co.uk/news/uk-politics-42747342>

(b) Similarly, turnout in the last three general elections among voters from ethnic minority groups has been consistently lower than that of white voters (between 53-59% vs. 67-70%).¹⁷

2.3 As explained below, AVR provides a proven way to remedy these registration and turnout disparities.

3. THE SUCCESS OF AVR: EXAMPLES FROM OTHER JURISDICTIONS

3.1 The UK is one of the few liberal democracies in the world that has yet to implement some form of AVR.¹⁸ Studies conducted in jurisdictions that have recently introduced AVR systems show a correlation with material increases in registration and participation rates, particularly among disadvantaged groups:

(a) A study of the Direct Enrolment programme introduced in Victoria (Australia) in 2010, under which citizens are automatically added to the register 21 days after they turn 18, found that (i) the number of new direct enrolments reached 191,849 per year in 2015/16; and (ii) direct enrolment was very effective at encouraging first-time voters to vote, with 79.4% of 18-19-year old direct enrollers casting a ballot in the 2014 state elections.¹⁹

(b) A 2019 report published by the Brennan Centre for Justice in the US concluded that “AVR is a highly effective way to bring more people into our democracy” and that AVR significantly increased the number of voters being registered from between 9% to 94% depending on the relevant US state.²⁰

(c) A study published by Data For Progress in July 2019 analysing the impact of AVR laws passed in seventeen US states and the District of Columbia found that (i) AVR was associated with a modest increase in overall turnout (with individuals in AVR states being on average 1% more likely to vote), however (ii) AVR dramatically increased participation rates among young people aged between 18-24 and low-income people who were 6.3% and 4% (respectively) more likely to turn out in AVR states.²¹

¹⁷ “Political disengagement in the UK: who is disengaged?”, para 4.4.

¹⁸ “Is it time for Automatic Voter Registration in the UK?”, table 5.1 on p.28, T.S. James and P. Bernal, UK Democracy Fund (2020): <https://tobysjamesdotcom.files.wordpress.com/2020/04/is-it-time-for-automatic-voter-registration-single-sides.pdf>

¹⁹ *Ibid.*, paras 5.20-5.22.

²⁰ “AVR Impact on State Voter Registration: New Brennan Centre Report Finds Significant Gains in Voter Rolls”, Executive Summary, K. Morris and P. Dunphy, Brennan Centre for Justice (2019): https://www.brennancenter.org/sites/default/files/2019-08/Report_AVR_Impact_State_Voter_Registration.pdf

²¹ “Automatic Voter Registration Boosts Turnout Among Young and Low Income People”, J. Grumbach and C. Hill, Data for Progress (11 July 2019): <https://www.dataforprogress.org/blog/2019/7/11/automatic-voter-registration-boosts-turnout-among-young-and-low-income-people>

3.2 It therefore comes as no surprise that AVR has garnered broad support in the UK from bodies such as the Political and Constitutional Reform Committee,²² the APPG on Democratic Participation²³ and the Electoral Commission.²⁴

4. IMPLEMENTING AVR IN THE UK

4.1 The Government's plan to introduce reforms to electoral law through primary legislation (i.e. the Bill) creates an opportunity to use the same piece of legislation to implement a purpose-built legal mechanism for AVR. As mentioned above, the specific policy which Patchwork wishes to put forward for the Committee's consideration involves Electoral Registration Officers ("EROs") automatically registering voters when they are issued their NINo by the Department of Work and Pensions ("DWP").

4.2 Under the current voter registration system, an individual's application is processed using the Cabinet Office's IER Digital Service ("IERDS"). Applications are verified against DWP records held on the Customer Information System ("CIS") database. The outcome of the verification process is then passed on, via the IERDS, to the EROs who assess whether the relevant individual should be added to the electoral register.²⁵

4.3 By comparison, Patchwork's proposal would involve a more pro-active system in which information held by the DWP on the CIS database is shared directly with the EROs via the IERDS at the point at which an individual's NINo is issued. This would enable the EROs to register voters without their active involvement. In order to address any privacy and data security concerns, individuals could also be informed, on receipt of their NINo, about how to opt-out from AVR. According to a report produced by the University of East Anglia in conjunction with the UK Democracy Fund, this form of AVR is more cost-effective than other options and would add "700,000 citizens to the roll each year with minimal administrative effort".²⁶

4.4 The viability of this proposal is supported by the Electoral Commissions' feasibility studies published in 2019 which considered, among other things, the introduction of direct or automatic enrolment processes: "*[T]echnology already employed by the [IERDS] could form the building blocks for the majority of the reforms. This system already links all local authorities with a central service capable of verifying people against the [DWP CIS database] as part of the registration application process... The further development of the [IERDS] could pave the way for systems of automated or automatic registration to be implemented*".²⁷

²² "Political and Constitutional Reform – Fourth Report – Voter engagement in the UK", para 144, Political and Constitutional Reform Committee (10 November 2014): <https://publications.parliament.uk/pa/cm201415/cmselect/cmpolcon/232/23202.htm>

²³ "Getting the 'Missing Millions' On To The Electoral Register: A vision for voter registration reform in the UK", Recommendation 25 on p.16.

²⁴ "Completeness in Great Britain", Age.

²⁵ "Is it time for Automatic Voter Registration in the UK?", paras 3.10-3.11.

²⁶ *Ibid.*, p.6.

²⁷ "Modernising electoral registration: feasibility studies", Key findings, The Electoral Commission

- 4.5 The above proposal is also viewed favourably by the public. In a survey conducted by the Electoral Commission in February 2021, the top ranked policy “*most likely to increase satisfaction with the voter registration system*” was found to be the automatic enrolment of individuals when they receive their NINo at the age of 16.²⁸
- 4.6 The Bill’s stated scope is sufficiently broad to encompass any legislative measures needed to give effect to this policy. While it may be possible to deliver this policy without primary legislation using the EROS’ existing powers (augmented by policy and agreements), we believe that amending the Bill would be the best way forward for the following reasons:
- (a) First, introducing a purpose-built legal mechanism for AVR into the Bill would be the clearest and most efficient way to implement this policy, not least given the complexity of the existing law. Indeed, the voter registration provisions in the Representation of the People Act 1983 (the “**1983 Act**”) were described in a joint report published by the Law Commission of England and Wales and the Scottish Law Commission in March 2020 as “*some of the least accessible in electoral law*”.²⁹
 - (b) Second, this would give Government and Parliament an opportunity to provide clarity and certainty, as well as ensuring consistent implementation as part of a package of measures under the Bill.

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(2019): <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/changing-electoral-law/a-modern-electoral-register/modernising-electoral-registration-feasibility-studies>

²⁸ “Public Opinion Tracker 2021”, Q9 in the Public opinion tracker 2021 tables.

²⁹ “Electoral Law: A joint final report”, para 4.22, The Law Commission of England and Wales and The Scottish Law Commission (16 March 2020): https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/03/6.6339_LC_Electoral-Law_Report_FINAL_120320_WEB.pdf.