

The Elections Bill

Written evidence submitted to the Public Administration and Constitutional Affairs Committee by
Graham Allen

(MP for Nottingham North, 1987 – 2017; Chair, Political and Constitutional Reform Committee of the
House of Commons, 2010 – 2015)¹

In 2014 the Political and Constitutional Reform Committee (PCRC) undertook an extensive and thorough inquiry into voter engagement in the UK, reporting its conclusions for consultation in November 2014 and issuing a follow-up report in February 2015.² The Government response to the Committee's November 2014 report was also published in February 2015.³ The Committee's follow-up report took into account the outcome of an online consultation on the Committee's proposals held in December 2014 and January 2015.⁴

This submission summarises the main conclusions the Committee reached which are relevant to the issues under consideration in the Elections Bill currently before the House of Commons. The relevant conclusions and recommendations are organised with reference to the headings in the current call for evidence.

Rationale and terms of reference of the PCRC inquiry

The inquiry examined voter engagement in the context of historically low levels of turnout in UK general elections. Turnout for post-1945 general elections in the UK reached a peak in 1950, when 83.9 per cent of the registered electorate voted. By 2001 the figure had fallen to 59.4 per cent. Turnout for the 2010 general election—which elected the House to which the Committee was reporting—had reached 65.1 per cent: higher than at the 2001 and 2005 elections, but still the third lowest since the introduction of universal suffrage, and low by comparison with turnout in neighbouring European countries.⁵

Turnout since 2010 has risen slightly (66.2 per cent in 2015, 68.8 per cent in 2017 and 67.3 per cent in 2019) but shows no sign of returning to the level of engagement shown in 1950.⁶

When the Committee launched its inquiry, estimates indicated that the electoral register for Great Britain was between 85 and 87% complete. The most recent estimate made by the Electoral

¹ The Political and Constitutional Reform Committee was established on 7 June 2010, for the duration of the 2010 Parliament, with a remit to consider political and constitutional reform. On 9 June 2010 Graham Allen MP was elected Chair of the Committee by ballot of the whole House. The Committee's order of reference lapsed upon the dissolution of the 2010 Parliament.

² Political and Constitutional Reform Committee: [Voter engagement in the UK](#), Fourth Report of Session 2014–15, HC 232, published 10 November 2014, and [Voter engagement in the UK: follow up](#), Sixth Report of Session 2014–15, HC 938, published 5 February 2015.

³ Political and Constitutional Reform Committee, [Voter engagement in the UK: Government Response to the Committee's Fourth Report of Session 2014–15](#), Fourth Special Report of Session 2014–15, HC 1037

⁴ The dataset containing the outcome of the consultation is available on the Committee's publications website at <https://old.parliament.uk/pcrc-publications>

⁵ The [terms of reference](#) of the inquiry were issued on 14 January 2014.

⁶ House of Commons Library, [Turnout at elections](#), Commons Briefing Paper 8060, August 2021

Commission, on the basis of an exercise undertaken in December 2018, indicates that for Great Britain Parliamentary registers were 85% complete.⁷

The Committee sought written evidence on a number of issues relevant to the content of the present Bill, including:

- the main factors contributing to low voter turnout in recent UK elections
- the main factors affecting levels of voter registration
- the socioeconomic factors affecting levels of registration and turnout
- ways in which voter registration and turnout could be improved
- improvements in arrangements for British citizens living abroad to register for and vote in elections in the UK

The Committee's conclusions and recommendations relevant to PACAC's call for evidence are listed below, together with any further observations made in the Committee's follow up report. Where the Government offered a response, this is set out in italics.

Provisions on voter identification

[Individual Electoral Registration](#)

Committee conclusion:

We believe it is an inseparable part of the UK's social contract that in a democracy every citizen should, as a bare minimum, register to vote. We recommend that the legal requirements to register to vote are clarified, and that this basic civil duty be enforced.⁸

Government response:

The Government believes that compelling someone to register to vote is unlikely to make them more engaged and therefore more likely to vote.

The Government has introduced a variety of measures to help engage the UK electorate but increasing democratic engagement is not solely the responsibility of Government. Politicians, political parties, electoral administrators, civil society groups, schools, parents and people themselves all have a role to play in promoting understanding and engagement in registering to vote.⁹

[Electoral Commission work on electoral fraud](#)

Committee conclusions:

Any fraud committed in elections undermines our democratic system and must be dealt with severely. That said, with only three convictions for electoral fraud in 2013—all of candidates and not voters—compared with 7.5 million people not being correctly registered to vote, and

⁷ Electoral Commission: 2019 report: [Accuracy and completeness of the 2018 electoral registers in Great Britain](#)

⁸ HC (2014–15) 232, para 43

⁹ HC (2014–15) 1037, p. 2

almost 16 million not voting in the last general election, it is clear where the biggest issue lies in respect of electoral administration in the UK. It is essential that any changes to electoral registration and voting procedures intended to combat fraud are proportionate to the scale of the problem. The benefits of measures that could create barriers for legitimate voters wishing to participate in elections need to be carefully weighed against the potential risk of voter suppression. Any new measures likely to have a disproportionate negative impact on groups that are already less likely to participate at elections must be assessed with the utmost care.¹⁰

Several of our witnesses raised particular concerns about the Electoral Commission's proposal that voters be required to present photographic ID at polling stations. We believe that such a requirement cannot be justified at present, and we recommend against its adoption.¹¹

Government response:

It is vital that the public has confidence in the running of elections and that the integrity of the electoral system is safeguarded. However we have not seen any evidence to suggest that personation at polling stations is significant problem that needs to be addressed by the introduction of an ID requirement at polling stations. Figures published by the Association of Chief Police Officers/Electoral Commission show that there were a total of 58 alleged cases during the four years from 2010 to 2013. At least 26 of these related to one of the 16 local authority areas identified by the Electoral Commission as being at higher risk of alleged cases of electoral fraud.

Personation at polling stations is difficult to organise on a large scale, as large numbers of people would need to be mobilised to commit the offence in order to significantly affect the result of a poll. Small numbers of individuals who commit personation a number of times are more likely to be detected. The offence is therefore more likely to be attempted at closely contested polls where a small number of votes might determine the outcome.

Returning Officers and the police are able to identify polls where this is a risk factor, and take preventative action.

We are not convinced that introducing a photographic ID requirement on a national basis is a necessary or proportionate response, and believe it could potentially disenfranchise significant numbers of legitimate voters. The Government therefore welcomes the Committee's recommendation.¹²

In its follow-up report the Committee reaffirmed its original conclusions and recommendations on this matter.¹³

¹⁰ *Ibid*, para 64

¹¹ *Ibid*, para 65

¹² HC (2014–15) 1037, p. 4

¹³ HC (2014–15) 938, para 31

Unequal registration and participation: people with disabilities

Committee conclusions:

It is clear there is a particular problem with the accessibility of registration and voting for a large number of people with specific needs resulting from a disability. It is unacceptable that people face barriers registering to vote or participating at elections because of a disability. We have heard several practical suggestions that could make elections more accessible—including making information available in British Sign Language and "easy read" format, large print, audio and braille.¹⁴

We recommend that within three months of the publication of this Report, the Government consult with the Electoral Commission, EROs and disability groups and publish clear and stretching proposals setting out how registration and voting will be made more accessible to people with disabilities. We also recommend that political parties work with disability groups to make manifestos and other election material accessible in formats which people with disabilities find easier to use.¹⁵

Government response:

The Government is committed to making the electoral system fully accessible for all electors. We held meetings in July and November in 2014 with the Royal Mencap Society (Mencap) and the Royal National Institute for the Blind (RNIB) to identify options for making registration and voting easier for people with disabilities. Representatives from Mencap and RNIB discussed these options at a meeting of the Electoral Policy Coordination Group on 9 December. The Group, whose membership also includes the Electoral Commission and senior Returning Officers (RO) and EROs, meets regularly to discuss electoral policy and to plan and prepare for polls.

Mencap, who represent people with a learning disability, was one of five national organisations to share funding awarded by the Government in 2013/14 to test new approaches to improve registration levels and democratic engagement amongst under registered groups. As part of this initiative Mencap has developed an easy-to-read guide to registering to vote and voting, to be used in a one-to-one setting for with people with learning disabilities, their families and carers. This engagement resource is freely available on Gov.uk.

Mencap is also adapting Rock Enroll!, the Government's freely available resource for engaging young people in the democratic process, specifically for young people with a learning disability.

At the meeting on 9 December, it was agreed that Mencap's easy-to-read guide on voting and registering to vote would be published on the Electoral Commission's website, as a public engagement resource for electoral administration staff, and that the Electoral Commission would remind polling station staff of their legal duty towards disabled voters. Further work to bring forward proposals to improve the accessibility of the electoral system for disabled people remains ongoing.

¹⁴ HC (2014–15) 232, para 83

¹⁵ *Ibid*, para 84

Officials continue to have a good ongoing relationship with Mencap and RNIB and are discussing with them how best they can work together in the future.¹⁶

Committee follow up-:

We welcome the actions that the Government has undertaken to identify options for making registration and voting easier for people with disabilities, but we note that these fall short of meeting the recommendation we made that the Government publish clear and stretching proposals setting out how registration and voting will be made more accessible to people with disabilities.¹⁷

Overseas voting

[Unequal registration and participation: overseas voters](#)

Committee conclusions:

Although British citizens are only entitled to register to vote for UK elections if they were resident in the UK in the previous 15 years, it is clear that only a very small percentage of those who are likely to be eligible to register to vote are actually on the electoral register. It is not acceptable that such a small proportion of this franchise is registered to vote, and we welcome the fact the Minister for the Constitution has asked officials to look into this issue. We expect to see a comprehensive plan from the Government in response to our Report, setting out how it plans to increase registration rates for overseas voters. We recommend that, at a minimum, this includes using UK embassies to promote registration to British citizens living abroad, working with the BBC to put out information through BBC World and the World Service, and making changes to voting to make it more convenient to overseas voters.¹⁸

Government response:

The Government remains committed to maximise registration amongst all groups, including overseas electors, and is already working to achieve this ahead of the 2015 General Election.

Some of the measures introduced, such as IER, on-line registration and the extension the electoral timetable for UK Parliamentary elections from 17 to 25 days making it easier for postal voters, to return their postal votes, are particularly helpful for overseas voters. Also a digital channel has been introduced that enables special category electors, such as overseas voters, to submit an electronic application. The requirement for overseas electors to have a witness for their application to register has also been removed, which will make it a more straightforward process.

Up to £2.5 million funding will be available to fund wider activity, including working with national organisations. This funding will support activity to encourage specific under registered groups such as students, overseas electors and armed service personnel to register to vote.

¹⁶ HC (2014–15) 1037, p. 5

¹⁷ HC (2014–15) 938, para 36

¹⁸ HC (2014–15) 232, para 90

EROs already have defined steps to take to remind overseas electors to renew their declaration under existing regulations and this is supplemented by the requirement to send an invitation to register, and a reminder, if necessary, to those electors who do not renew their registration and who the ERO believes may still be resident at their address.

The Electoral Commission provides information about how to register and vote overseas on its website and, working with the Foreign and Commonwealth Office, is targeting UK citizens living overseas as part of its online advertising campaign ahead of the General Election, particularly in countries with high populations of UK citizens, such as Australia, Canada, France, Spain and the USA. That campaign includes advertising on Facebook and other websites commonly used by UK citizens overseas, on expatriate radio stations worldwide, and working closely with its partners and the media to ensure the registration message is spread across expatriate networks. The Electoral Commission has increased its target to register overseas voters from 25,000 to 100,000 and will be launching their General Election voter registration campaign on 2 February.¹⁹

Committee follow up:

The proposal for removing the current 15-year limit on British citizens living overseas from participating in UK elections should be considered as part of a wider package of measures aimed at increasing engagement by this group, as this change would simplify the eligibility criteria and make it easier to promote registration to British citizens no longer resident in the UK.²⁰

Voting and candidacy rights of EU citizens

[Unequal registration and participation: Citizens of Commonwealth countries and other EU member states](#)

Committee conclusions:

EU and Commonwealth citizens resident in the UK are amongst the most under-represented groups on the electoral register. We recommend that the Electoral Commission should run a specific campaign aimed at Commonwealth citizens and citizens of other EU member states resident in the UK, focussing on eligibility to participate in elections, and how to register to vote.²¹

Government response:

Commonwealth citizens resident in the UK have the same voting rights and opportunities to register as UK nationals. They are encouraged to register to vote just like any other British citizen who is eligible to vote. The Government is not aware of an issue specifically with Commonwealth citizens resident in the UK on voter registration.

¹⁹ HC (2014–15) 1037, p. 6

²⁰ HC (2014–15) 938, para 41

²¹ HC (2014–15) 232, para 94

*The Electoral Commission has confirmed to us that it plans to carry out work on the issue EU citizens resident in the UK being able to vote in European Parliament (EP) and local elections. Cabinet Office officials have also met representatives of New Europeans to discuss issues that arose with the participation of EU citizens at the EP election in May 2014. Cabinet Office plans further discussions with the Electoral Commission and other electoral stakeholders on the registration process for EU citizens to consider ways to simplify the process for EU citizens living in the UK to register to vote at EP and local elections.*²²

Committee follow up:

EU and Commonwealth citizens resident in the UK are amongst the most under-represented groups on the electoral register. We welcome the statements from the Electoral Commission that information specifically for non-UK citizens will be available online, and that they are one of the groups its public awareness campaigns will target. We recommend that the Electoral Commission take active steps to communicate this information directly to those groups to whom it is relevant.²³

Changes to postal and proxy voting

[Postal voting](#)

Committee conclusions:

The extension of the postal vote has been a success and those who choose to vote by post should be facilitated to do so. The Committee recognises the importance of postal voting in increasing democratic participation and calls upon political parties, Electoral Registration Officers, the Electoral Commission and the Government to make postal voting more accessible. We note with concern that under the transitional arrangements for IER, almost half a million postal voters who were not confirmed automatically will lose their entitlement to a postal vote if they do not register under the new system.²⁴

We recommend that further trials of all-postal voting in elections should be held.²⁵

Government response:

It is recognised that where all-postal voting has previously been trialled at elections in the UK it has generally enhanced voter turnout. However, since the Electoral Administration Act 2006, postal voters have been required to provide “personal identifiers” (date of birth and signature) when applying for a postal vote, and to provide these personal identifiers when voting by post at subsequent elections. Returning Officers carry out checks on the personal identifiers provided at elections by postal voters to ensure they match with those originally provided and if they do not match the postal vote is deemed invalid.

²² HC (2014–15) 1037, pp 6–7

²³ HC (2014–15) 938, para 44

²⁴ HC (2014–15) 232, para 159

²⁵ HC (2014–15) 232, para 161

The use of personal identifiers for postal vote has had a positive impact in strengthening the integrity of postal voting. The Government would not wish to change the current postal voting requirements in the event of an all-postal voting election, and therefore the date of birth and signature of all electors would therefore be needed for the purposes of such a poll.

Importantly, although under IER persons provide personal identifiers for the purpose of establishing whether they are the person named in the application, those identifiers do not include the person's signature. It would therefore be necessary to ask electors at an all-postal poll who were not existing postal voters to provide their date of birth and signature. This would be a significant logistical exercise and electors who did not provide the necessary identifiers, for whatever reason, would not be able to take part in the poll and would effectively be disenfranchised.

Postal voting on demand has been in place since 2001 and its availability is widely known and publicised. It has proved popular with many voters and it enables people to participate in elections who would otherwise be unable to do so. However, it is not certain that there would be widespread public support for all-posting as voting at polling stations remains popular with many voters.

The Government is therefore not convinced that there is a strong case for further trials of all-postal voting in elections.²⁶

Committee follow up:

We received mixed views on the possibility of holding further trials of all-postal voting, with the majority of respondents opposing the proposal. That said, we believe that in the future local authorities could pursue such trials in circumstances where they commanded community support.²⁷

[General issues of electoral administration](#)

Committee conclusions:

Given its importance to our democracy we feel that there is a need to revisit electoral administration on the basis of convenience for electors and no other interest. Several changes, which have in the past been of academic interest, including online voting, holding elections on weekends or over several days, having a "Democracy Day" public holiday for voting, letting voters cast their vote anywhere in their constituency and having all-postal votes, are now measures which need to be considered in the context of improving voter participation. There is compelling evidence that some of these changes could have a substantial, positive impact on the levels of voter participation. Particularly if taken together, these changes could demonstrate that "the powers that be" are serious about voter engagement. We recommend that the Government, working with the Electoral Commission and EROs, bring forward a package of reforms to electoral arrangements to increase accessibility and turnout, and

²⁶ HC (2014–15) 1037, p. 13

²⁷ HC (2014–15) 938, para 92

establish a series of pilots early in the next Parliament to test the various proposals that we have considered, with a view to making permanent changes to electoral arrangements by 2020.²⁸

Government response:

Making elections convenient for voters is an important consideration in helping people engage with the democratic process. It needs to be achieved in a way that safeguards the security and accuracy of the electoral system, and avoids the creation of any new obstacles to voting.

Proposals to move the polling day to a weekend, or to turn it into a public holiday, could make voting easier for some, and so encourage those people to vote. However it could also affect the turnout of people who use the time for other activities or possibly, in the case of creating a public holiday, incentivise people to use the time other than for voting. Allowing voting to take place over several days may have little effect on turnout unless wider issues of voter engagement are addressed.

While we have for the first time allowed people to register to vote online, extending that facility to voting presents significant challenges with regard to making the system secure from attack and fraud. E-voting may be something to consider in the future, but is not currently a priority for the Government.

We endorse the Committee's positive view of the effect of postal voting on voter turnout and we note its concern about the loss of entitlement to a postal vote of some people under the transitional arrangements for IER. Electors whose details could not be confirmed during the transition to IER, or who did not register before the publication of the new register, lost their absent vote if they had one (though they could vote at a polling station if they had been carried forward from the old register). They have been notified and encouraged to register individually so their details can be verified and an absent vote provided. The measure ensures the security of the new voter registration system by preventing abuse of the absent voting process.

The electorate's continued support for retaining different methods of voting (such as in person voting at a polling station) suggests that all postal voting could discourage some groups from participating in elections who currently do so, even if it increases turnout overall. It would be important to ensure these groups remain democratically engaged.

Allowing people to cast their vote at any polling station could have advantages for some groups, such as disabled voters, by allowing them to choose the location that is the most suited to their access requirements. We would need to consider the practical challenges of such a scheme, and the likely take up, in order to decide whether it would be worth introducing.

There has been more than an academic interest in such changes in the in the past and many of the potential processes suggested, such as all-postal voting, voting over a number of days and online voting, have been tested in range of pilots. We will consider the Committee's proposals further in order to determine which of them could have significant positive effects on accessibility and turnout, and could be piloted in the next Parliament.²⁹

²⁸ HC (2014–15) 232, para 162

²⁹ HC (2014–15) 1037, pp. 13–14

Committee follow up:

The Committee issued further conclusions on its proposals for changes to electoral arrangements in its follow up report, in the light of further submissions received and the responses to its online consultation. These are available here:

<https://publications.parliament.uk/pa/cm201415/cmselect/cmpolcon/938/93809.htm>

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