Professor Toby S. James – Supplementary written evidence (ERA0039)

Introduction

1. I am a Professor of Politics and Public Policy at the University of East Anglia and an expert on electoral administration and management. I am writing to provide further submission of evidence to the committee on the basis of newly published research.

Research on the 2018 and 2019 Local Elections

2. In a newly published article with Alistair Clark in the journal *Policy Studies* we assessed the problems that occurred in polling stations at the 2018 and 2019 local elections.[1] This was based on original data drawn from a survey of polling officials. The total number of poll workers to take part was 5659. This is the largest volume of electoral officials ever to take part in such a study in the UK and it therefore provides a very comprehensive picture of the frequency of problems experienced at polling stations.

3. Table 1 demonstrates that people asking to vote, who were not on the electoral register was by far the most common problem, reported by 47.3 percent of poll workers. This is likely to be because citizens were confused about the process and thought that they were on the register, when they were not. Electoral fraud and suspected cases of personation are exceptionally rare.

Potential problem	Percentage of respondents reporting at least one problem in their polling station
People asking to vote, who were not on the electoral register	47.3
Disabled voters having problems completing ballot papers	14.3
Disabled voters having problems with access to the polling station	8.6
Members of political parties being where they should not be	8.4
Members of political parties intimidating the public	7.3
People asking to vote whose identity I was unsure of	6.0
Suspected cases of electoral fraud	0.7

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[1] Toby S. James & Alistair Clark (2020) Electoral integrity, voter fraud and voter ID in polling stations: lessons from English local elections, *Policy Studies*, 41:2-3, 190-209, DOI: 10.1080/01442872.2019.1694656.

4. The study also looked at the effects of the voter ID pilots on the local elections, because the surveys were run in the pilot areas in collaboration with the Electoral Commission. Table 2 shows that over half of poll workers experienced an issue with a voter who was unable to vote because they did not have the appropriate identification. The introduction of voter identification requirements is therefore not necessary and is likely to negatively affect participation.

Potential problem	Percentage of respondents reporting at least one problem in their polling station
People being turned away because they did not have the appropriate identification	52.4
People coming to the polling station but deciding not to vote as they did not want to comply with the ID verification requirements	23.3

Joseph Rowntree Reform Report on Automatic Voter Registration

5. A new research report was also very recently published on automatic voter registration (AVR), commissioned by the Joseph Rowntree Reform Trust. There has been considerable interest in automatic voter registration and it has been increasingly proposed in the UK by parliamentary committees, campaigners, politicians and academics. The report drew from sources including interviews with stakeholders, comparative international experiences and Freedom of Information requests to outline and assess the arguments. I'd therefore like to submit further evidence to the committee based on the report findings. The full report can be found here:
https://tobysjamesdotcom.files.wordpress.com/2020/04/is-it-time-for-automatic-voter-registration-single-sides.pdf

6. There has been considerable confusion about what AVR is, and what it would involve. It can be defined as *the direct enrolment of citizens onto the electoral register by public officials, without the need for pro-active action by citizens*. AVR can be contrasted with the current system found in the UK, in which citizens are responsible for registering themselves ahead of the deadline for election day. It can also be distinguished from 'assisted' voter registration, which involves citizens being asked to register to vote when accessing other government services. AVR is a broad principle and umbrella-term that could in practice involve a range of different approaches.

7. Our report found that some form of direct enrolment is the norm in democracies around the world because many countries are able to use population registers to directly enrol citizens. Many democracies in the Anglosphere who have not historically had direct enrolment such as Australia, Canada and the USA, however, have recently implemented it for

specific under-registered groups such as young people or when accessing specific government services such as driver licence agencies.

8. The philosophical arguments raised against AVR are usually that it should be an individual responsibility to register to vote. There are also concerns that AVR might require a civil population register.

9. The arguments in favour of AVR are primarily that voter registration rates are in decline and citizens often think that they are already registered. AVR could therefore prevent some citizens being unable to vote on election day or would improve their overall experience. Political equality is a founding principle of democracy and policies are therefore needed to ensure a level playing field on election day. AVR could boost voter registration rates amongst under-registered groups to create this more even level playing field.

10. There are multiple options for implementing AVR. These include:
    - A new centralised civil population register. This would be the most direct pathway to AVR, but concerns about civil liberties may make this approach unpopular and the approach would have much broader consequences.
    - The expansion of the DWP Customer Information System to act as a single national electoral register.
    - Localised data-mining. AVR could be introduced by making datasets available to local electoral registration officers to identify and register missing voters. Past experience has shown that this approach is not necessarily cost effective and it could be very unevenly implemented.
    - Direct enrolment for specific groups such as 16 year olds.
    - Assisted voter registration. This would involve citizens being prompted to register to vote when accessing a range of other government services such as applying for a driver's licence.

11. The report provides data on the current frequency of citizens' transactions with government services. It suggests that the direct enrolment for specific groups and assisted voter registration could be the most cost-effective method that would lead to considerable improvements in the completeness and accuracy of the register.

12. Directly registering citizens shortly before their 16th birthday when they are issued their National Insurance Number would add 700,000 citizens to the roll each year with minimal administrative effort. These citizens could then be provided accompanying civic education lessons while in School.

13. Providing citizens with an option to register to vote/update their registration details when accessing other government services would enable millions of citizens to register more easily. For example:
    - 6.5 million per year could register when applying for a passport

- 4 million people could register when they update their drivers licence address with the DVLA
- 2 million a year could register when applying for Universal Credit
- 2.5 million students could be registered through annual student enrolment
- 800,000 could register when they apply for child benefit for the first time
- 500,000 could register when they provide the Student Loans Company with a new address
- 450,000 could register when they apply for disability benefits

Privacy

14. Accompanying reforms are also recommended to overcome issues with privacy and data security. Electoral Registration Officers are required to produce an 'edited register' or 'open register' which is available for purchase by any individual, company or organisation. Citizens have the opportunity to opt out of this when they register to vote. In Scotland, any citizen under 16 years old is automatically opted out of the edited/open electoral register.

15. There are no restrictions on the sale of the edited version of the register or on the uses that can be made of it. This raises very serious privacy concerns. The edited electoral register contains a rich set of data about individual citizens, data which can be particularly useful in the 'big data' era as it can be aggregated with other data sources and used to target individuals for political or other purposes. While concerns about the use of the open/edited register have been long held, the increased simultaneous capturing of citizens information from their social media profile, browsing history and use of other digital applications has increasingly been raised as a concern as they have become more prevalent in society.

16. To illustrate the privacy threat, the company 192.com uses information from the electoral register alongside data with other sources to enable 27-page 'background reports' to be purchased on UK citizens. We therefore recommend that the open/edited electoral register should be abolished. New direct enrolments should not be added to it without the prior permission of electors in the event that it is not abolished.

17. We also recommend that anonymous registration should be extended to at least five years and the procedures to register anonymously should be relaxed to prevent vulnerable adults being at risk of harm.

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