

The Labour Party – Supplementary written evidence (ERA0042)

Electoral registration

1. What role does the electoral registration system play for political parties in their campaigns? What challenges does it generate?

Electoral Registration does form part of our campaigns in terms of encouraging people to register to vote – often this is done nationally with digital, and local parties also seek to identify households with no one registered and encourage them to register as part of their usual campaigning.

However there are a number of challenges which the current system generates, which we have listed below:

- A significant number of the applications to register to vote in the heightened period in the run-up to an election are duplications, i.e. people already registered at that address. This is usually because there is no straightforward way to check if you are already on the electoral register.
- A high proportion of registrations are often late in a campaign and close to the deadline for registering to vote for a particular election. Ideally the rate would be flatter and constant throughout year. Registration accuracy and completeness should not be reliant on huge drives for registration ahead of election times, but should be consistent throughout the year. One challenge for political parties is that we don't then receive the electoral register data of the people who registered just before the deadline until very close to election day.
- There are some issues we see with the data we are supplied, for example, email addresses and other nonsensical data in the name fields. This suggests that there is not enough validation either at the point of registering or done by councils once the data is received by them.
- Similar to the above, there are a plethora of different formats for all kinds of electoral data. Sometimes the electoral register data we receive is not straightforwardly usable or easy to process because of the format it comes in, and some data, e.g. situation of polling stations, is still routinely only provided in PDF form which makes automatic processing of such data very difficult. There should be more standard formats for all kinds of electoral data which are provided to political parties and other organisations entitled to the register.
- A lot of these issues are because there are four main suppliers of electoral management software (EMS). Each of these have different data format, and one particular issue is they have varying approaches for polling numbers for additions to the register. This ranges for the use of the standard supplementary "100/1", using the next available polling number in the polling district (which means polling numbers are no longer consecutive and causes havoc with polling station lists where a polling district is split by street into different polling stations or places), or the use of a full stop "100.500". There

should be a standard set for these numbers, which in our view should be the normal supplementary "100/1".

2. What has the introduction of individual registration meant in practice for political parties and their campaigning? Is there a distinction in how parties make use of registers in local and national election campaigns?

IER has meant a shift in the pattern of registration, with more people registering throughout the year vs being registered/removed by the annual canvass once a year.

This means less of the annual change occurs in the yearly full register than used to be the case, and in particular a very large chunk of it occurs in updates published just for an election when there is a spike in applications to register to vote.

One issue this creates is that lots of updates to register occur very late in a campaign and by the time we receive the data there is not much time for us to make use of it.

There is no real distinction between how we make use of them in campaigning, excepting the franchise distinction.

IER still causes ongoing issues for registration of students and other transient voters who move a lot. Universities with registration as part of enrolment (for example, Sheffield) will have better completeness than other areas. The initial move to IER caused large drops in the electorates of some student wards, which have still not recovered to their c. 2014 sizes despite no real change in actual population.

a) What are your impressions of the accuracy and completeness of electoral registers? Do you think that registers are improving over time, and has individual electoral registration affected this?

There is seasonal variation in both accuracy and completeness, depending on what time of year it is. For example, monthly updates not published between September and December usually, and updates in April tend to have many more people included than at other times.

We tend to think that IER has improved local accuracy of registers but at the cost of local and global completeness. Some of the issues with accuracy and completeness, both locally and across the country, and related to the lag time between someone registering to vote (eg if they move house) and actually appearing on the correct new register and being removed from the other one.

Electoral Commission research found that 9.4 million people were missing or not registered at their current address, which is some 17% of all electors. Clearly there are still issues with both accuracy and completeness of the register which IER have not solved, and have if anything made worse (3.5 million missing in 2000).

IER caused large drop in registration when introduced, especially in areas e.g. with high student population – this has improved over time but relies on

huge registration drives every year – models as in Sheffield increase the completeness considerably but these have not been adopted everywhere.

Electoral administration

3. Do you think elections are well run and managed overall by administrators? Where do you see room for improvement in electoral administration?

This can vary somewhat and we do see isolated incidents of problems, but broadly yes we do think they are well run and managed overall.

Most of the improvement we think would be caused by larger scale changes, for example not having over 350 separate EROs and data providers and moving to a place where we have a more national registration model, rather than tweaks to the existing model.

We mentioned some issues around data supply and formats in an earlier response, but one area for improvement would be a more standardised set of electoral data formats across all of the software suppliers, and ensuring that administrators knew which formats they needed to send to political parties and were fully aware of all the legal entitlements. We do still have occasional issues where administrators are not aware of political parties' direct legal entitlement to some of this data, which can cause delays in accessing it.

Another area would be around how administrators handle ward boundary changes in their authority. Sometimes, an electoral register on amended polling districts which takes account of the new ward boundaries is not published until March, only two months before elections. Ideally we would move to a place where there was minimum republishing of electoral data in the spring and instead any polling district and geography changes were applied ahead of the December publication.

4. Did the 2019 General Election present any particular challenges from an administrative point of view?

The unique timing of this election created significant problems. Councils adopted many different approaches to publishing registers, such as issuing them early on 1 November, publishing on 1 December but not re-numbering them from the old register, or delaying entirely to February (but only if they had had a ward by-election in the summer). Some did issue new registers mid-campaign entailing a change of the polling numbers, even after poll cards sent out. However we appreciate this was a unique situation which created challenges for electoral administrators and is not likely to become the norm.

We did have some issues with timeliness of supply of data – every year when new registers are published we have difficulty with a small handful of councils not responding to our written requests and being very hard to contact via email or phone, meaning we don't get data in a timely fashion.

5. What are your views on the elections timetable? Does the current timetable work from the perspective of political parties?

Broadly yes. One issue is around is the 'autumn gap' when new register updates are not provided during the annual canvass period, which means that if you register to vote in late August you might not appear on the register until 1 December, meaning our data can get somewhat out of date during this period, impacting campaigning in this period. If you then have a major electoral event (like the snap election in December 2019), some of the data is initially a few months out of date, though we do note that many councils opted helpfully to publish October and November monthly updates as well.

While the annual registers are published in December, registers actually tend to be at their most complete and accurate shortly after an election as the run-up to elections generates significant electoral registration activity. While it follows that a full register should be published after the completion of the annual canvass, for some purposes where electorate numbers are used (e.g. for ward and parliamentary boundary views), it would be more accurate to use the numbers as they are in May rather than December.

We do not have any particular observations to make about the length or timings of the electoral timetable, save for the practical difficulties in making effective use of electoral data in respect of late registrations, with the deadline for new registrations being 12 working days before poll. We do however acknowledge that there is a balance to strike here in maximising opportunity to participate in given elections, and as such it is difficult to make a case for moving the registration deadline to an earlier point in the electoral timetable. As we set out below, a continuously updated national electoral register would improve the availability and accessibility of electoral registers data, particularly during election periods.

Otherwise, harmonisation of the timetables for scheduled Parliamentary and local government elections at 25 working days has provided welcome consistency for the Party and our agents.

6. Do you think local authorities have the resources and capacity to provide adequate support and guidance for candidates and their agents during an election period?

Overall funding for local government is inadequate – direct funding for local government saw a cut of £5.8 billion over the last decade – over a number of elections the AEA have raised warnings about funding levels and extra cost pressures due to snap elections, while SOLACE has previously looked into this issue. As with wider local government, there is a need to review levels of investment.

7. Is current electoral law fit for purpose in general? What are the most important changes needed to electoral law to help assist political parties in their campaigning and canvassing activity?

The mess that is UK electoral law, with dozens of different regulations and their amendments in force, has been the subject of much comment. The Labour Party supports the vast majority of the Law Commission's extensive recommendations on reform, which provide a well-researched blueprint for Government and Parliament. We are of the view that most effective change would be to be to rationalise the current patchwork of primary and secondary legislation into a single, consistent legislative framework governing all elections.

As well as unification of electoral administration legislation, a change in government legislative practice might assist: Secondary legislation amending UK electoral administration should wherever possible not take the form of piecemeal amendments to other secondary legislation, but wholesale repeal and re-enactment, which makes it easier for practitioners to keep track of the most recent secondary legislation on a particular element of electoral practice.

Generally our view is one key change is that we should move to a centralised electoral register rather than c. 350 of them – lots of issues with accuracy and completeness are because it can take time for people to be removed from one register in one part of the country and be added elsewhere. Proposals for a Co-ordinated online register of electors (CORE) by the last Labour government were never implemented.

Rather than episodic publication of electoral registers (once a month for updates, full publication one a year), it would be better for political parties and other users of the register data if there was continuous publication, with additions/changes added weekly/fortnightly with a consistent gap between application and appearance on the register.

- **[Supplementary] Do you have any examples of particular situations where parties have had problems interpreting electoral law, or applying it in their campaigning? What might be the remedy?**

Recent case law¹ has highlighted the lack of clarity for candidates, agents and political parties in the proper interpretation of the extent to which the election agent is responsible for the activities and expenditure of third party supporters. This specifically relates to the circumstances in which notional expenditure as defined by Section 90C RPA is deemed to be "authorised" by the agent, and the corresponding interplay with Section 75 RPA which governs

¹ R. v Mackinlay and others (Respondents) <https://www.supremecourt.uk/cases/docs/uksc-2018-0091-judgment.pdf>

spending by third party campaigners. We believe the same requirements of authorisation should apply to notional expenditure under Section 90C as to actual expenditure, and any expenditure by third parties not authorised should be properly dealt with by Section 75 RPA. The Party supports clarifying legislation in this area as part of a wider programme to reform electoral law, as set out in outline above.

8. What have been your experiences of fraud allegations in political campaigns and how have they been dealt with?

According to the Electoral Commission, in 2017 there were 28 allegations of polling station personation out of more than 44 million votes. This reflects just 1 allegation for every 1.6 million votes cast. Of these 28 allegations, one case resulted in a conviction. In 2018, this figure fell to just seven allegations, all of which were resolved locally or required no further action from the police.

Our practical experience of electoral fraud allegations reflects the extremely low incidence of cases that are prosecuted by the Police. We have received a handful of complaints from opposition parties and election agents alleging electoral fraud, the overwhelming majority of which have no foundation. On the vanishingly rare occasions we have received credible evidence that Labour campaigners may have engaged in electoral fraud, we have withdrawn legal support which is provided as a matter of course to our candidates and agents, and have applied the Party's disciplinary rules which in some can lead to expulsion from the Party. Our candidate selection rules also make clear that the Party does not tolerate electoral fraud.

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The Labour Party

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