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Political and Constitutional
Reform Committee

Individual Electoral Registration and Electoral Administration

Tenth Report of Session 2010–2012

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The Political and Constitutional Reform Committee

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Summary

The White Paper and draft Bill on Individual Electoral Registration (IER) were published for pre-legislative scrutiny on 30 June 2011. These proposals speed up the introduction of individual electoral registration in Great Britain compared with the provisions put in place by the previous Government in 2009. There seems to be broad agreement on the principle of individual electoral registration (Chapter 2), but very differing views on how it should be implemented.

The White Paper has learnt lessons from the introduction of IER in Northern Ireland in 2002, such as the proposal to have a ‘carry-forward’, meaning that voters who are on the 2013 electoral register, but who are not registered under IER in 2014, will still be able to vote in 2015, unless they wish to vote by post or proxy (Chapter 5).

We make suggestions for improving the transition process, with a particular focus on the completeness of the electoral register (Chapter 3). The introduction of IER carries the risk that people will drop off the register and become disenfranchised, particularly in urban areas; if unchecked, this could have important consequences for future constituency boundary reviews.

The White Paper makes it clear that the Government sees registering to vote as a personal choice for the individual, and that it will not be an offence for an individual to fail to complete an electoral registration form (Chapter 3). In Northern Ireland, in contrast, this is an offence. Electoral administrators have told us that the threat of sanctions often nudges people, who might not have otherwise completed a registration form, to do so. Registering to vote has always been seen as a civic duty, and should continue to be so. The undertaking from the Deputy Prime Minister to make sure that ‘opting out’ of the registration process is not too easy is a step in the right direction.

The transition process (Chapter 4) will be labour-intensive for electoral registration officers, as they seek to engage many millions of eligible electors with the new system of individual registration. Proper funding of this process (Chapter 6) will be particularly important.

The Government’s other draft electoral administration provisions (Chapter 8) would legislate on a number of issues that electoral administrators have long called for, such as;

- the extension of the timetable for Parliamentary elections from 17 to 25 working days, and;
- allowing a UK Parliamentary election candidate jointly nominated by two or more registered parties to use on the ballot paper an emblem registered by one of the nominating parties.

These are largely sensible proposals, although others that have also been called for are missing, and we ask why.

4 Individual Electoral Registration and Electoral Administration

1 Introduction

1. The Political Parties and Elections Act 2009 passed by the then Labour Government, provided for a new system of electoral registration where each eligible elector is registered individually, instead of the current system of registration by household. The Coalition's Programme for Government promised to "reduce electoral fraud by speeding up the implementation of individual voter registration".¹ On 30 June 2011, the Government published a White Paper on individual electoral registration, with draft clauses and an impact assessment.² In the same month, the Government laid secondary legislation allowing for a series of data matching pilots in particular local authority areas to test how far comparing electoral registers against other public databases would allow eligible people missing from the register to be identified.³ Our Report largely focuses on the proposals in the White Paper.

2. On 13 July and 14 September 2011, the Government published two further sets of draft legislation, with explanatory notes, including a range of proposed measures in the field of electoral administration.⁴ These will be looked at in greater detail in Chapter 8.

3. The Committee decided to undertake pre-legislative scrutiny of these proposals in July 2011. Our witnesses have included academic experts, representatives of some of those groups who might be particularly affected by the proposals, local authority officials involved in administering electoral registers and elections and in conducting the data matching pilots, the Electoral Commission, and the Government. We are grateful as ever to all of our witnesses, and to those who provided us with written submissions.

4. This Report looks first at the likely impact of the Government's individual electoral registration proposals on both the completeness and accuracy of the electoral registers, as well as the impact on those who use the registers. We then consider the transitional provisions for 2014-15, before looking at resource implications of the proposals for local electoral registration officers. Finally, we consider the other electoral administration proposals, in so far as these have not already been taken into account.

5. Individual registration was implemented in Northern Ireland in 2002. The Government's proposals therefore largely relate to the rest of the United Kingdom. We attempt to draw lessons in this Report from the Northern Ireland experience where this is relevant.

6. We welcome the fact that these proposals have been published for pre-legislative scrutiny by us, as well as for wider consultation.

1 HM Government, *The Coalition: our programme for Government*, May 2010, p27

2 Cabinet Office, *Individual Electoral Registration*, and *Impact Assessment*, Cm 8108 and 8109, June 2011

3 Electoral Registration Data Schemes Order 2011 (S.I. 2011, No. 1466)

4 Cabinet Office, *Draft electoral administration provisions*, Cm 8150, July 2011 and *Further draft electoral administration provisions*, Cm 8177, September 2011

2 Principle

7. The principle of moving to individual electoral registration is widely accepted. It was first recommended by the Electoral Commission in 2003⁵ and subsequently by the Committee on Standards in Public Life in 2007, which noted at the time that

“There appears to be a consensus among political parties, the Electoral Commission and most electoral administrators that individual registration, as opposed to registration completed and signed by one named person in the household, is likely to be a more accurate means of registering eligible voters. Individuals would then be responsible for their own registration in order to vote. There are however differences of view as to the pace at which such an important change should be made”.⁶

8. The three largest political parties all continue to support the principle of individual registration.⁷ Their approach to its implementation is very different, however. In 2005, the Labour Government brought forward an Electoral Administration Bill, which provided for pilots to require personal identifiers (such as date of birth and national insurance number [NINO]) at registration before a general introduction of this measure. Although enacted, these provisions have not been brought into force. The current Coalition Government’s draft clauses would replace them on the statute book and would make individual registration compulsory in 2014 for those who wish to vote by postal or proxy, and for all following the general election in May 2015.

9. The Electoral Commission has summarised the benefits and risks of moving to a system of individual registration. The benefits are simple:

- to improve the security of the system, making it less vulnerable to fraud;
- to recognise people’s personal responsibility for this important stake in our democracy; and
- for a system that people recognise as up-to-date, not rooted in Victorian ideas about households and ‘heads of household’.⁸

10. The Commission also identifies potential areas of concern that the new system must tackle:

- any new system must deal especially with the issue of home-movers, which means dealing with duplicate entries;
- not losing the strengths of the current system in terms of completeness—the current annual canvass approach produces high levels of completeness;

5 Electoral Commission, *The electoral registration process: Report and recommendations*, May 2003, Chapter 2

6 Committee on Standards in Public Life, Eleventh Report, *Review of the Electoral Commission*, Cm 7006, para 6.4

7 Ev w25

8 Ev 100

- designing a transition process that ensures that eligible people who are currently on the register, but only because someone else has entered them, do not drop off the register simply because they are not used to, or have problems with, the registration process; and
- reassuring people that the personal data they will be asked to provide, will be kept safe.⁹

11. The Government's proposals need to be judged against the extent to which they achieve these benefits and minimise these concerns.

12. In Northern Ireland the introduction of IER led to improved accuracy of the register, as duplicate and ineligible entries were identified and removed, although the completeness of the register did also drop. A new system of registration in Great Britain will only be successful if it improves both the accuracy and completeness of the electoral registers, with the ultimate aim of re-building public trust in our electoral processes.

3 Completeness and accuracy of the register

Completeness

13. We welcome the Government's stated commitment to take steps to improve the completeness of the electoral registers.¹⁰ The Cabinet Office and the Electoral Commission are currently conducting research to benchmark current levels of completeness prior to the implementation of individual registration, and this will clearly be necessary to gauge the impact of the change.

14. The introduction of individual electoral registration in Northern Ireland led to a significant fall in voter registration levels over the following years. While some of this resulted from the removal of names that should not have been on the register in the first place, some eligible people also fell off the register. The Government hopes that such a situation can be minimised in Great Britain by carrying forward people already on the register until after the general election in 2015, giving many existing electors a second opportunity to register, and the use of data matching (discussed below), coupled with the absence of any requirement for each person to re-register and provide personal identifiers each year.¹¹

15. We have heard concerns during our inquiry, however, that some aspects of the Government's proposals risk having a negative impact on completeness, especially in areas with high population turnover. The fact that electoral registers are currently used for setting constituency boundaries makes even levels of completeness across the country particularly important. Having large numbers of eligible electors uncounted in future boundary reviews would also be detrimental to democracy.

Registration as personal choice

16. One of the most controversial aspects of the Government's proposals is the proposal that "there should be no compulsion placed on an individual to make an application to register to vote".¹² This is on the basis that "while we [the Government] strongly encourage people to register to vote the Government believes the act is one of personal choice".¹³ The Government makes the distinction between the current system, under which the householder's failure to complete and return the annual canvass form could disenfranchise other electors, and the proposed system, under which a failure to return the individual application would have no direct impact on other electors. The Government proposes therefore that it should remain an offence in future to fail to respond to attempts by electoral registration officers to discover who in a household is eligible to vote.

10 Cm 8108, para 2

11 Cm 8108, paras 27–28

12 Cm 8108, para 64

13 Cm 8108, para 64

17. The Government also proposes to “allow a person to respond to an invitation to register by indicating that they do not wish to be chased”, so as to “ensure that people are not repeatedly asked to register during a canvass period when they have no intention of doing so and that Electoral Registration Officers (EROs) direct their resources to finding eligible electors who want to be registered”.¹⁴

18. There are two issues at stake here. First, should it be legal for people to choose not to register to vote? Second, if yes, how easy should it be made for them to opt out of the registration process?

19. There is a logic to the Government’s argument for making registration voluntary, but the Electoral Commission has warned us of possible “unforeseen consequences” for civic society more generally

The register performs an important civic function, beyond enabling us to vote, and those functions are also important in a democracy. It ensures the public are counted for purposes of representation and drawing boundaries. It ensures that political parties and candidates can contact electors and try and persuade them to vote, and of course it is the register from which potential jurors are drawn. It is also used in law for the purpose of credit reference agency checks and for detecting fraud.¹⁵

20. John Turner, from the Association of Electoral Administrators agreed

There seems to me a sort of pervasive logic that gets us to a position where people will drop off the register, for reasons that have very little to do with voting, politics or even engagement with the democratic system. They would be persuaded for other reasons, such as jury service, not wanting to receive unsolicited mail, wishing to remain anonymous—for all sorts of security and perhaps other reasons.¹⁶

21. The Electoral Commission has also expressed strong concerns about making registration voluntary during the transition to the new system, describing the proposal as “confusing”.¹⁷

22. In Northern Ireland, under a system of individual registration, it remains a criminal offence to fail to complete a registration form when asked to do so. There appears to be no reason why failure to complete and return a registration form should be a criminal offence in Northern Ireland but not in Great Britain. The Government should take steps to remedy this inconsistency.

23. Witnesses were also concerned about the way in which the Government proposed to make it easy for people to opt out of being contacted more than once during an annual registration cycle.¹⁸ The Minister recognised that many witnesses, including the Electoral Commission and the Association of Electoral Administrators, had concerns about the ease

14 Cm 8108, para 74

15 Q 184

16 Q 143

17 Q 188

18 Cm 8108, para 74

at which people could ‘opt out’ of the current proposals. The Deputy Prime Minister indicated in the House that he had some sympathy for those concerns, and giving evidence to us the Minister stated “we would look at those and change those provisions when we bring forward the final legislation”.¹⁹ When challenged that the language of the White Paper could ‘nudge’ people into not registering to vote, the Minister replied

we will look at that evidence and certainly take on board the point about whether the combination of the opt-out and the language nudges, to use your phrase, people in the wrong direction, because that is absolutely something we are not trying to create.²⁰

We welcome the Government’s acknowledgment that care needs to be taken not to make it too easy for people to opt out from what is still regarded as a public duty, even under the Government’s current proposal that failure to register to vote should not be a criminal offence. We urge the Government to take the necessary steps in this direction in the Bill.

24. Electoral Registration Officers have also expressed concern about the proposal. Julian Bassham from the London Borough of Southwark, told us “30%-odd of people who eventually we get registered are not really interested, they only go on for credit purposes and because we are going to fine them”.²¹ Louise Stamp from Tower Hamlets made clear that the current offences were by no means an empty threat, and were used to get people to complete annual canvass forms.²² In his evidence to us, Chris Ruane MP agreed that the threat of fines for failure to complete a registration form had significantly improved electoral registration rates in his constituency.²³

25. We heard concerns about the impact that this specific proposal could have on the completeness of the registers. The Electoral Commission has suggested that registration levels could fall to match turnout, in other words from around 90% to as little as 60%.²⁴ It is hard to say how accurate this prediction is. Large numbers of people with no intention to vote would presumably want to remain on the registers nonetheless, as being listed on the electoral register is one of the factors used for assessing applications for credit.

26. What seems likely, however, is that registration levels would fall by different amounts in different parts of the country, depending on their social and economic profile and the transience of the population. Using estimates based on what percentage of a constituency fills and returns a canvass form without receiving a reminder, John Turner of the Association of Electoral Administrators (AEA) agreed with this analysis, stating that once the ‘carry forward’ expires after the General Election in 2015 “in these sorts of leafy shires

19 Q 221

20 Q 228

21 Q 92

22 Q 92

23 Ev w30

24 Q 201

you could be talking about a drop of 10% or 15%. In inner city areas I think ...(a fall of up to 30%) is somewhere near the mark”.²⁵

27. Julian Bassham of the London Borough of Southwark agreed with the AEA’s analysis. He told us “the problem is going to emerge after 2015 when, as an urban inner London authority, we will see a significant fall-off in the register”.²⁶ His colleague from Stratford-on-Avon District Council, with a relatively stable population, was less concerned.²⁷

28. We recommend that it should initially be an offence to fail to complete a voter registration form when asked to do so by the relevant electoral registration officer. This should be reviewed after five years of operation of the new system of individual registration, by which time registration levels may be high enough and a culture of individual registration sufficiently embedded for compulsion to no longer be necessary.

Constituency boundaries

29. Under the Parliamentary Voting System and Constituencies Act 2011, the Boundary Commissions are required to use the number of names on electoral registers as a basis for drawing constituency boundaries, with a narrow margin for manoeuvre. If levels of completeness come to vary significantly between different parts of the country, constituency boundaries will be redrawn on a basis that may be perceived as unfairly disadvantaging one party.

30. Unless addressed, this issue is likely to come to a head in 2015. On current plans, the Boundary Commissions will be conducting their next review on the basis of the electoral registers as they stand in December of that year. This is at a point when those electors carried over under the old system will have fallen off the registers, but will not yet have needed to exercise their vote under the new system: the first such elections—to local authorities and devolved bodies—are likely to take place in May 2016.²⁸ While there is a risk that there will be an ongoing variation in levels of completeness across the country, as anecdotal evidence already tells us urban areas have lower registration rates than rural areas,²⁹ that variation is likely to be at its most extreme in late 2015.

31. The Minister did not agree that there could be a fall in the completeness of the register after the carry-forward expires in Autumn 2015, and he therefore did not think there was a risk of the register being inaccurate for the redrawing of boundaries in December 2015. He told us “It is really the only data set that you can use for doing boundary reviews because it is the right group of people, eligible voters. We want it to be as accurate as possible, both for elections and for boundary review purposes, so we are very focused on that as well”.³⁰

32. For the next parliamentary constituency boundary reviews to be fair and representative, electoral registers across the country need to be at least as complete—

25 Q 169

26 Q 85

27 Q 82

28 Q 261

29 Electoral Commission, *The completeness and accuracy of electoral registers in Great Britain*, March 2010, pp 69–70

30 Q 262

and as consistently complete—as they are now. The Government needs to ensure that its proposals will achieve this end.

33. There is a risk that the electoral registers in December 2015 will be particularly varied in their levels of completeness: this matters because they will be used under current legislation as the basis for the next boundary review. We recommend using instead the registers as they stood on or before general election day in May 2015.

Groups most at risk of failing to register

34. Witnesses have suggested that people in groups that are already under-represented on the registers, such as young people, electors from some BME communities, home movers, and those in private rented accommodation, are at particular risk of dropping off the register during the transition to IER. The Electoral Commission told us that even under the current system “under-registration and inaccuracy are closely associated with the social groups most likely to move home”.³¹

35. Simon Woolley, Director of Operation Black Vote, told us that the introduction of IER would reduce registration rates amongst the groups he represents, at least initially: “that is going to happen, we have to brace ourselves for that”.³² Dr Toby James of Swansea University,³³ the British Youth Council,³⁴ and the National Union of Students raised similar concerns. The NUS called for “greater powers to the Electoral Commission, targeting of registration rates, coordinated campaigns together with local organisations and community groups, such as students’ unions, and engagement with young people still in school or college even before they are eligible to vote”.³⁵

36. Louise Stamp, Electoral Services Manager for the London Borough Tower Hamlets, outlined the work that Tower Hamlets was doing to try and break down some of the cultural barriers (38% of the population of Tower Hamlets is Bengali) that some electors could have with registering to vote individually. She also highlighted the high turnover of electors in a dense urban area such as Tower Hamlets made the EROs role particularly challenging: “we get 60% movements in our annual canvass period, so that is a massive churn”.³⁶ **We recommend that the Electoral Commission’s public information campaign around the launch of individual registration include as an important element strands aimed at encouraging those in groups currently under-represented on the electoral rolls to register to vote.**

37. The Government proposes that those who are “unable or unwilling”³⁷ to provide a national insurance number (NINO) will normally have to produce two other items of identification from an approved list, such as a passport or photo driving licence. Those

31 Ev 100

32 Q 96

33 Ev w4

34 Ev w24

35 Ev w31

36 Q 81

37 Cm 8108, para 51

who cannot provide a form of photographic identification will have to present themselves to the local electoral registration office and sign a declaration. Disability charities have suggested to us that some disabled people, especially those in residential care, “may not only not have a national insurance number but also have difficulties in producing alternative evidence such as utility bills”,³⁸ while the requirement to travel to an office could also be problematic for people with mobility or mental health problems.³⁹

38. The Minister stated that the Government was committed to ensuring that every eligible elector could use his or her vote. He told us the Government would “make sure that, in all of those groups you particularly mention, no one is disenfranchised”.⁴⁰ We welcome the Government’s commitment to ensuring that all eligible electors will be enfranchised.

39. By providing for a variety of ways in which people can verify their identity, the Government has ensured that most of those entitled to vote should be able to register successfully if they want to. **There may be a small number of people who neither have the required documentation nor are able to travel to an office to attest to their identity. We recommend that the Government ensure that people in this situation are not deprived of their right to vote.**

Improving registration rates

40. We have heard during our inquiry of a variety of ways that might help encourage people to register to vote.

41. The edited register is available for general sale and is used by organisations for commercial activities, such as marketing, as well as by the political parties for campaigning. Electors who do not want their details to appear on the edited register need to opt out. The Ministry of Justice consulted on the future of the edited register in 2009–10; the Government’s response to the consultation has not been published, possibly due to the change of Government in 2010.

42. The Electoral Commission and the Association of Electoral Administrators have both called for the publication of the edited register to cease. A 2008 survey conducted by the Local Government Association and the AEA found that “almost 9 in 10 electoral officers surveyed believed that the practice of selling the electoral register discouraged people from registering to vote”.⁴¹

43. Some businesses, notably direct marketing agencies, rely on the edited electoral register to identify and access customers. In their written evidence to us 192.com, a people-finding website, stated that the edited register brings significant benefits to businesses and charities.⁴² The Credit Services Association, which also incorporates the Debt Buyers and Sellers Group (DBSG), states that use of the full electoral register should be made available to debt collection agencies, as “not all financial crime occurs at the point credit is granted ...

38 Ev 84

39 Ev w20

40 Q 263

41 Ev 104

42 Ev w14

use of the register should be permitted throughout the lifetime of the agreement”.⁴³ We thoroughly disagree with the CSA’s proposal. Whatever benefit it might bring, we cannot justify the sale to commercial organisations of personal details gathered by the Government for electoral purposes. The Electoral Commission has suggested that if Government decides to keep the edited register that it should be changed to an opt in system, instead of opt out. We suspect that this option might well make the edited register too incomplete to be of much use. **We recommend that the edited register should be abolished.**

44. The AEA told us that traditional means of encouraging registration, even house to house canvassing, have only limited success in boosting registration rates: “it cost an awful lot of money to add about 5% of people to the register”.⁴⁴ This suggests that it may be worth considering more unconventional techniques.

Accuracy

45. One of the main reasons for moving to a system of individual registration is to improve the accuracy of the registers, in particular by removing people who are ineligible to vote. However, they look less likely to be successful in ensuring that entries which become ineligible are subsequently removed in a timely way.

Identifying duplicate entries

46. A central electoral register, such as the one that is in place in Northern Ireland, would have made identifying duplicate entries much simpler, but in July 2011 the Government decided to abandon plans for a Coordinated Online Register of Electors (CORE) on the basis that it was not “proportionate, cost effective or consistent with the Government’s policy on databases and reducing the number of non-departmental public bodies”.⁴⁵

47. The Electoral Commission and Dr Stuart Wilks-Heeg, Director of Democratic Audit, both told us that without a central register, identifying duplicate entries would be difficult and resource-intensive, and in some cases impossible.⁴⁶ It would not be possible, as in Northern Ireland, to say “if I looked in at Belfast I could see someone is registered in Londonderry”.⁴⁷

48. The Government’s alternative to a central database relies largely on data matching with information held by other public bodies. We discuss this in detail below.⁴⁸

49. We recommend that the Government explore ways of improving the sharing of information between local authorities, especially where potential electors move house.

43 Ev w14

44 Q 158

45 HC Deb, 17 July 2011, col 71WS

46 Ev 70; Q 199

47 Q 164

48 Paras 79–84

Crime prevention

50. Individual registration should help to reduce the risk of some types of electoral fraud. The current system of household registration involves almost no verification of the data provided in response to the annual canvass, and is thus extremely vulnerable to fraud. It is unclear the extent to which such fraud in fact takes place. There does seem to be evidence, however, of a strong link between electoral register entries and other forms of fraud. A recent Metropolitan Police Service (MPS) and National Fraud Initiative Operation Amberhill, analysed identifiers on forged or counterfeit documents and found that 45.6% of these were positive matches on electoral register entries, because criminals had either stolen real identities or added bogus entries to the register to facilitate fraud.⁴⁹

49 Cabinet Office, *Individual Electoral Registration Impact Assessment*, Cm 8109, June 2011, p 9

4 Canvass arrangements for 2014

51. The Government has proposed arrangements for the transition from the current system of registration to the new one, rather than going for a ‘big bang’. This should help to moderate the impact of the change, but the detail of these transitional arrangements has given rise to some concern. Most of this concern has focussed on the Government’s proposal not to hold a household canvass under the current system in 2014.⁵⁰

52. The White Paper explains that the Government proposes not to hold a full household canvass in 2014 because “as well as being more expensive ... a canvass followed by invitation risks confusing people who may not respond to an IER invitation having already responded to a canvass, believing that they have done enough to register”.⁵¹ The Minister told us that the transition arrangements, including no annual household canvass in 2014, were necessary as a full household canvass followed by an invitation for electors to register individually could be “confusing”⁵²

The very clear feedback we had from electoral administrators who would have to do that work was that simply would not be a very good thing to do. We would end up risking confusing people and end up with lots of people who had sent out the household form, not responding to the individual form, because they thought they had done what they needed to do.⁵³

He told us that the Government’s proposal for a ‘modified’ canvass was preferable, in which a written invitation to register could be combined with doorstep canvassing.

53. The proposal to not hold a household canvass in 2014 has raised significant concern among our witnesses, both that large numbers of people will be missed in the initial rounds of invitations to individuals to register under the new system because they have moved, and that the registers in use at the 2015 general election will be significantly inaccurate. For the Electoral Commission, having an annual household canvass in 2014 is “a key priority”.⁵⁴ Jenny Watson, the Chair of the Electoral Commission, explained why

We know there are around 5 million changes to the register in any 12-month period and the majority of those will be due to people moving house. If we think about the period between the 2013 register and the 2014 register, when individual electoral registration and transition starts, we know that that will already have decayed in accuracy by around 5 to 6 percentage points. That means around 2 million to 3 million people will probably have moved in that time. What that does not do is address the variability of that figure throughout the country.

54. Her colleague Andrew Scallan added

50 Cm 8108, paras 61-62

51 Cm 8108, para 67

52 Q 264

53 Q 264

54 Q 189

It is crucial that when you embark on this exercise of individual registration ... you start off with a baseline that is as accurate as possible. Having the canvass in 2014, at whatever time precisely in 2014, is demonstrably the best way of establishing the best baseline information.

55. Peter Wardle explained that on the Government's own figures

the June 2014 register, the one that will be used as the basis for the 2014 write-out, is likely to contain inaccuracies. Approximately 20% of people eligible to re-register under IER may not be invited in that invitation process. That is a very large number of electors to set against the potential savings of not carrying out an annual canvass, and that is what we are concerned about.

56. High numbers of home movers are a particular feature in urban areas. Julian Bassham from Southwark told us that without an annual canvass in 2014, "we are missing 70% to 90% of movers not joining the electoral roll. They wait until the annual canvass ... coupled with a high population churn ... around 30% to 40%—we could well be looking at a significant under-representation on the register of the eligible population of Southwark".⁵⁵

57. We would be greatly troubled if, as the Electoral Commission warns, "as many as 2–3 million people across Great Britain could be no longer resident at the address recorded on the December 2013 electoral registers, and would therefore not receive an IER form in July 2014".⁵⁶

58. People who are on the electoral register following a response to the household canvass in 2013 will, on the Government's proposals, remain on the register until after the general election in May 2015. This is a sensible way of ensuring that people have plenty of time to register individually and do not find themselves accidentally deprived of their right to vote in 2015. Coupled with the absence of a household canvass in 2014, however, these carry-forward proposals are likely to mean that millions of electors will be registered in the wrong place for the 2015 General Election.

59. We recommend that the Government take steps to ensure that the electoral registers used for identifying individuals in the initial round of invitations to register under IER, as well as those used for the 2015 general election, are as accurate and complete as possible. We have heard serious concerns that the Government's current proposals will miss an unacceptably large number of potential electors, and calls from many of our witnesses for a full household canvass in 2014 to address this problem. We believe, given the unique circumstances of the change to IER, that the Government should reconsider its decision not to hold a full household canvass in 2014.

60. If the Government is determined not to hold a full household canvass in 2014, there may be proportionate alternatives that would achieve the Government's goal of saving money, without the risk of disenfranchising large numbers of people. **One alternative to holding a full annual household canvass in 2014 would be to identify those parts of the country with a significant level of annual turnover on the electoral register, and to**

55 Q 82

56 Ev 102

provide for something like the usual annual household canvass to take place in 2014 just in those areas. For this to happen, some parts of the country will need more funding than others. We recommend that the Government confirm that this is its intention.

5 Postal and proxy voting

61. Currently, electors who want to register for a postal or proxy vote have to provide the personal identifiers of a signature and a date of birth. These identifiers then have to be replicated by the elector when they cast their postal vote, and the returning officer verifies them against the original samples. Electors who wish to vote by proxy must submit a form setting out why they need to vote by proxy. In some situations, this must be co-signed by a qualified person, such as a doctor. Those who are nominated as proxies must also be eligible to vote in the relevant election.

62. As part of its consultations on electoral administration, the Government is proposing to alter the rules for proxy voting. We consider these proposals in Chapter 8 of this Report. We consider here the impact of the Government's proposals for individual electoral registration on those who use postal and proxy votes, especially those who may have no alternative to using them.

Transitional arrangements

63. Under the Government's proposals, "electors with an absent [postal or proxy] vote who fail to register under IER in 2014 will automatically lose the right to use this method of voting".⁵⁷ This change carries risks that people who are currently registered for a postal or proxy vote may be unaware of the new requirements and become disenfranchised in 2015. This could have a particular impact on the elderly, the disabled, and those in residential care.

64. The Electoral Commission will run the campaign informing electors of the transition to individual electoral registration. We believe that particular attention will be paid to the need to make the information campaign accessible to all, and to target it towards groups who tend to rely on postal and proxy votes to exercise their right to vote.

65. When asked why IER would come into force before the 2015 General Election for postal and proxy voters, the Minister stated that the perception and risk of fraud associated with postal voting was too great for the Government to consider extending the 'carry-forward' for postal voters. He told us "it will be made very clear to people who have a postal vote that, if they do not take the trouble to register individually, they will still be on the register. They will still be able to vote, but they will not have the opportunity to vote by post".⁵⁸ He added that the Government was working with groups representing the elderly to ensure that they were aware of the changes to the registration requirements for postal voting.⁵⁹

66. Electoral administrators and returning officers expressed concern about the proposal not to carry forward existing postal and proxy registrations for elections in 2015, given that postal voters, unlike those voting in person, already provide a date of birth and a signature

57 Cm 8108, para 79

58 Q 263

59 Q 263

as identifiers.⁶⁰ John Turner told us that the AEA “cannot see any logic” in the proposal.⁶¹ As evidence from Scope and Mind suggests,⁶² many of those who have an absent vote would struggle to vote in person, and some may also have difficulty in completing the individual registration process. **We recommend that the Government look closely at applying the same carry-forward arrangements for the 2015 General Election to postal and proxy registrations as to other registrations, to avoid inadvertently disenfranchising vulnerable electors.**

Requirement for a signature

67. The current requirement to supply a signature when applying for and casting a postal vote has, according to disability charity Scope, “caused particular challenges for disabled people who may not be able to make a distinctive mark or sign in a consistent manner”.⁶³ The requirement for a signature does not prove the eligibility of the postal voter, only that the same signature has been provided on the application and subsequent postal vote.

68. People’s signatures often change over time, particularly in old age. John Turner, Chief Executive of the Association of Electoral Administrators, gave us anecdotal evidence that many postal votes were rejected because of signatures failing to match

“the current postal voter identifier process, of itself, lends to disenfranchisement because of this matching of signatures and dates of birth, where the data was given up to five years ago”.⁶⁴

69. **We recommend that the Government take the opportunity provided by the introduction of individual registration to consider dropping the requirement of a signature as a personal identifier to cast a postal vote, once IER is well-established. This is because of the unreliability of the signature as a personal identifier, and because those electors wishing to cast a postal vote under IER will already have had their identity verified by other means.**

60 Q 147

61 Q 152

62 Ev w19

63 Ev 81

64 Q 182

6 Resources and data matching

Resources

70. The White Paper provides a framework, but much of the detail of how individual registration will be administered remains to be filled in. Local authorities and the Association of Electoral Administrators stressed the need to resolve much of this uncertainty within a tight timescale. The Government's estimate of the cost of implementing IER is £108.3 million, and the Government states in the White Paper that it "is committed to fully funding the costs to local authorities".⁶⁵ However, the White Paper suggests that the move to individual electoral registration may become cheaper over time as "IER also opens up the possibility that the process for registration may be more efficient".⁶⁶

71. Jocelyn McCarley, from the Electoral Office for Northern Ireland, told us that the move to individual registration in Northern Ireland put EROs under intense pressure, despite the transition being fully funded by Government. She stated "we certainly had sufficient resources to bring in individual registration. I think the problem was we ... underestimated the amount of resources we would need in terms of staff. The volume of forms coming into the office was a bit of shock; it all needed data input".⁶⁷ Jocelyn McCarley also told us that EROs in Northern Ireland did not have sufficient resources to keep chasing individuals who have not responded to requests for information.⁶⁸

72. There is evidence that some EROs are already struggling to perform their statutory duties. Electoral Commission data shows that in 2010, ten EROs failed to ensure the completeness and accuracy of electoral registration records met agreed standards.⁶⁹ Eight EROs also failed to meet the standard for doorstep canvassing in 2010, and three of those have failed to achieve that standard three years in a row.⁷⁰ Michel Saminaden, speaking on behalf of local authority Chief Executives, or SOLACE, told us that the move to individual registration would increase the number of registration forms, and would put a strain on EROs' already stretched resources "there is no doubt, because we will be talking with many tens of thousands more electors".⁷¹

73. We received evidence from local authority staff involved in three of the 20 pilot schemes trialling the comparison of data from electoral registers with government databases that IER would require very different skills and people from the current system

65 Cm 8108, para 6

66 Cm 8108, para 6

67 Q 176

68 Q 176

69 Ev 104

70 Electoral Commission, *Report on performance standards for Electoral Registration Officers in Great Britain, Third analysis of performance*, April 2011, p 14, para 2.12

71 Q 176

“gone are the days of the gangmaster driving the team of canvassers to bang on as many doors as possible and get a result, and in comes a much different level of skills around data matching and examining IT systems and so on”.⁷²

“we will need a lot more technical staff who can manage all the data matching, rather than, as now, staff experienced in elections and electoral law”.⁷³

74. John Turner, speaking on behalf of electoral administrators, raised concerns that the lack of detail from Government means that the timescale for commissioning and implementing the relevant IT systems needed for IER is very tight: “as every month passes, it is going to get extremely difficult to ensure that the system is totally workable and that the necessary IT systems that will support that system are in place”.⁷⁴ The AEA has written that

“given the scale of the work to be undertaken to deliver the necessary infrastructure including the IT, business processes, data protocols, guidance, and form design, it is essential that the draft secondary legislation is available for scrutiny whilst the Bill is still in the UK Parliament ... Further, it is vital to bring into effect in sufficient time any provisions (whether in primary or secondary legislation) necessary to enable work to commence on developing and testing that infrastructure”.⁷⁵

75. We recommend that the Government publish the information, including draft secondary legislation, that electoral administrators need to deliver the necessary infrastructure for individual registration as soon as possible after the Individual Electoral Registration Bill is introduced.

76. The Electoral Commission has argued for powers to assist or sanction EROs who repeatedly fail to discharge their statutory duties, to help ensure that the transition to IER meets minimum standards across Great Britain.⁷⁶ Any inconsistencies would become more apparent in future given the larger number of parliamentary constituencies likely to cross local authority boundaries

“there are now some spectacular complications ... that issue of consistency is crucial because ... some very small administrative issues could result in a differentiation within particular wards that will create constituencies”.⁷⁷

77. The Minister told us “I think it is fair to say the Electoral Commission are quite keen for a bigger role. At the moment, that is unproven”.⁷⁸ We believe that the Electoral Commission must play a key role in ensuring that IER is implemented consistently, and that may require effective powers of sanction to do so. **We conclude that there is a strong**

72 Q 86

73 Q 86

74 Q 166

75 Ev 92

76 Ev 95

77 Q 190

78 Q 284

case for the Electoral Commission to be given powers to intervene where EROs consistently fail to meet agreed performance standards.

78. The Government has committed to funding the transition to IER which is likely, in the short term, to be resource-intensive as EROs aim to contact and register an estimated 46 million individuals, as opposed to 25 million households. The Association of Electoral Administrators has written that “the successful implementation of the new system will depend on the relevant funding going directly to electoral services. Any funding needs to continue post 2015 and should not simply be seen as one-off capital funding”.⁷⁹ Michel Saminaden of SOLACE has also suggested the need for “some sort of ring-fencing” to ensure that money made available to local authorities for IER is not diverted elsewhere. **We recommend that the Government ensure that the funding it provides to support local authorities with the transition to IER is ring-fenced for this purpose.**

Data matching

79. The concept behind the 20 data matching pilots currently under way is “to test whether EROs can use public databases to identify people eligible to vote but missing from the register so they can invite them to register”.⁸⁰ The Government hopes to assess early in 2012 whether these schemes should be rolled out more widely.

80. Representatives of three of the local authorities involved in the data matching pilots told us that “for all of us ... it is very, very labour intensive”.⁸¹ All three authorities had hired additional staff to help run data matching, boosting staffing levels in their electoral registration sections by 50-100% for the duration of the pilot. If it is to be successful, additional resource will be needed not only to match data, but also to follow it up with letters, and house enquiries if appropriate.

81. Julian Bassham, Electoral Services Manager for the London Borough of Southwark told us that data matching “has been more successful for us at this stage in telling us what we do know rather than what we don’t know ... At the moment it does not look, from our side, like the DWP data will necessarily answer those questions”.⁸² The Electoral Commission has stated that it wishes to see further options for identifying unregistered electors “not only in the event that data matching is less successful than we hope, but also to deal with ‘at risk’ groups who are less easily picked up through the data matching approach”.⁸³

82. The problems are partly technical. Addresses may not match between records because they have been input differently, or because house names have changed.⁸⁴ In Southwark, 25% of Department for Work and Pensions (DWP) records could not be matched to properties in the borough as known to the local authority.⁸⁵ Without nationality

79 Ev 94

80 Cm 8108, para 20

81 Q 62

82 Q 66

83 Ev 103

84 Q 75

85 Q 74

information, it is impossible to know if someone is likely to be eligible to vote or not. We also heard that people are not removed from the DWP database when they die or leave the country, meaning that large numbers of records on the database are essentially inaccurate and confusing to electoral administrators.⁸⁶

83. The Minister told us that Government and the Electoral Commission would have to look at the data generated by all 22 data matching pilots before making a decision on the effectiveness of data matching. He stated

The Electoral Commission, according to the secondary legislation, has to have those evaluations ready in March, so what we are going to have to be taking a decision on before we introduce the legislation is whether we think there is sufficient evidence available to put the powers into the legislation to roll out data-matching, if we wanted to.⁸⁷

The evidence we have received, however, suggests that data matching will be of limited effectiveness, especially in identifying potential electors. We recommend that the Electoral Commission publish its evaluations of the pilots before second reading of the Bill, in order to inform debate.

84. Access to the data in the first place has not always been straightforward. Local authorities participating in the pilots have not had the power to require access to data. Darren Whitney of Stratford-on-Avon District Council told us that part of their pilot had been delayed as they had not received any data from the Ministry of Defence, even though the terms of the pilot agreed with the Government involved access to data from their Joint Administration and ANITE databases.⁸⁸ The Minister for Personnel in the Ministry of Defence, Rt Hon Andrew Robathan MP, wrote to us on 12 October 2011 stating that data had been provided to Stratford-on-Avon in August.⁸⁹ In fact the relevant data was only received by Stratford later in October. **Data matching can only be a success if local authorities are provided with the information they need in a timely and helpful way. We regret that the Ministry of Defence has taken so long to co-operate with at least one of the data matching pilots. This suggests that there may be a need for better central co-ordination and ministerial oversight of the data matching programme.**

86 Qq 70–71

87 Q 245

88 Q 72

89 Ev w38

7 Treatment of personal data

85. How personal data is treated is clearly crucial to the success of and popular support for individual registration. The White Paper does not prescribe in detail the practicalities of how data submitted as part of an IER application or acquired through data matching should be treated.⁹⁰ In outline, the Government proposes that national insurance number data should be disposed of once an identity has been verified, while date of birth information should be retained (but not published) to help identify duplicate entries.⁹¹

86. Our witnesses generally had little to say about data protection and privacy issues. The memoranda from EURIM⁹² and the London School of Economics⁹³ are notable exceptions. Michel Saminaden of SOLACE told us “in terms of coping technically, we will; we always do and we ... will come across data protection problems and we will have to deal with those as they come along”.⁹⁴

87. The Association of Electoral Administrators were confident that EROs would be able to deal with the retention and disposal of large amounts of data, stating that “we haven’t seen the detail of how that will be handled, but whenever new challenges have been thrown at both the electoral profession and the suppliers, the IT suppliers who support them, generally it has worked”.⁹⁵

88. The Information Commissioner’s Office do not have any concerns either: “we are pleased to note the importance attached to the security of personal data in these proposals and welcome the commitment demonstrated by the intention to introduce a fine or custodial sentence for misuse of data”.⁹⁶

89. The Government’s proposals for data collection, retention, and disposal appear to us to be proportionate. However, much of the detail is still unknown.

90 Ev w23

91 Cm 8108, para 25

92 Ev w10

93 Ev w21

94 Q 144

95 Q 144

96 Ev w12

8 Draft electoral administration provisions

The Government's proposals

90. On 13 July and 14 September 2011, the Government published two sets of draft provisions including a number of electoral administration provisions for pre-legislative scrutiny.⁹⁷ The draft provisions requiring primary legislation would:

- extend the electoral timetable for UK Parliamentary elections from 17 to 25 working days, and, in doing so, adjust a number of the deadlines within the timetable (in particular the date for delivery of nominations which are fixed at the start of the electoral timetable). This will allow more time for the postal vote process and to facilitate the administration of elections more generally;
- make changes to the timing of polling place reviews in Great Britain to bring them in line with the proposals to set Parliamentary terms to five-year periods, and the five year cycle for UK boundary reviews implemented by the Parliamentary Voting Systems and Constituencies Act 2011;
- address an oversight in existing legislation to enable a UK Parliamentary election candidate jointly nominated by two or more registered political parties to use on the ballot paper an emblem registered by one of the nominating parties; and
- change the law so that a parish or community council election may be held on the ordinary day of election of councillors even if this is also the date of a Parliamentary or European Parliamentary election.

91. Draft provisions that could be achieved through secondary legislation would:

- require EROs to check 100% of the identifiers for postal votes at elections; and
- extend the 'emergency' proxy voting facility to enable those called away on business or military service unexpectedly, and at short notice, before an election, to appoint a proxy to vote on their behalf (as well as people unexpectedly called ill).

92. **The proposals published in July have been widely supported. We have had only a very limited opportunity to test the proposals published in September.** Some witnesses argued that the draft provisions did not go far enough, with Bristol City Council stating that they would welcome any further extension to the timetable for parliamentary elections.⁹⁸ Dr Orford, Professor Rallings, and Professor Thrasher cited research that distance to polling places can affect the number of votes cast there, and called for a review of the distance of polling places.⁹⁹ The Electoral Commission has also raised a number of questions and concerns about the detail of the Government's proposals from July, in particular:

97 Cabinet Office, *Draft electoral administration provisions*, July 2011, Cm 8150, and *Further draft electoral administration provisions*, September 2011, Cm 8177

98 Ev w3

99 Ev w1

- a) why the Government is “proposing that the election timetable should continue to be counted forward from the dissolution of Parliament, rather than calculating deadlines backwards from polling day”. This may be to allow for the possibility of an early general election, consistent with the Fixed-term Parliaments Act 2011;
- b) why the Government is “proposing greater flexibility for the timetable for Parliamentary by-elections and polls which are re-run due to the death of a candidate, including flexibility for the Acting Returning Officer over the setting of polling day”; and
- c) whether the Government will “amend the rules to allow an earlier dispatch of postal ballot packs than that which is possible under the current timetable, or explain why it does not intend to make such a change”. This seems a matter of particular importance if overseas voters are to have a realistic opportunity of exercising their postal vote.¹⁰⁰

93. The Government has also asked for views on two further possible reforms which are not currently proposed: for appointing polling and counting agents, and to shorten the deadlines for postal vote applications. The first proposal is suggested “in the context of the proposal to extend the electoral timetable”.¹⁰¹ John Turner, Chief Executive of the Association of Electoral Administrators, doubted whether changing the deadline for postal vote applications would ease pressures around the process for issuing postal votes, suggesting that with a different deadline “you can just create another period of pressure”.¹⁰² We would be concerned at any change that made it harder for people to vote. **We recommend keeping the deadline for postal vote applications at eleven days before polling day.**

94. Finally, the Government has asked for views on the possibility of amending the Recess Elections Act 1975. At present, under this Act a writ may not be issued in recess for vacancies that arise where a Member effectively resigns their seat by applying for one of the sinecure offices of the Crown Steward and Bailiff of the Chiltern Hundreds or of the Manor of Northstead.¹⁰³ This provision, which originally dates from the 1850s, seems likely to us to be a historical anomaly. In our view, the principle should be that constituents should be left unrepresented for as little time as possible. **Unless strong evidence should emerge to the contrary, we recommend that the Recess Elections Act should be amended to allow writs to be issued in recess for any vacancies that arise where a Member effectively resigns their seat.**

95. The Electoral Commission has also stated that it is “disappointed with the lack of policy context alongside the draft provisions. The explanatory notes do not provide enough background or evidence to support appropriately detailed consideration of these proposals”.¹⁰⁴ Publication of the proposals in two tranches has also not helped in attempting to understand the Government’s overall rationale.

100 Ev 108

101 Ev 111

102 Q 181

103 Ev 113

104 Ev 107

96. **The provisions published in draft by the Government are largely technical, but the Government needs to be able to explain why it is making the package of proposals that it is, and why it is not taking forward other proposals for change in electoral law, particularly those put forward by the Electoral Commission.**

Other possible changes

97. In addition to the Government’s proposals, the Electoral Commission has raised a number of areas of law that they believe could be usefully changed. These include:

- a) allowing eligible electors in the queue at close of poll to vote;
- b) giving Returning Officers powers to request a fresh identifying signature from those voting by post (as currently many postal votes are rejected because a voter’s signature has changed since their first application);
- c) allowing academics access to the full register for research purposes; and
- d) considering requiring electors to show identification at polling stations in Great Britain.¹⁰⁵ Voters must already show such identification in Northern Ireland.

98. On the issue of close of poll the Minister set out the Government’s position that the issues around close of poll in the 2010 election were “largely around poor planning, poor resource management” and that an attempt to legislate in this area could create more problems than it solved.¹⁰⁶ We agree with the Minister that in this area careful planning and allocation of resources are likely to be more effective in ensuring all those who are eligible can access their vote without resorting to legislation.

99. The Committee also received written evidence from a number of expatriates calling for the Government to abolish the current 15 year limit on voting in General Elections when living overseas. Mark Harper responded that it was “something that Government is considering at the moment, but we have not reached a decision”.¹⁰⁷

100. We recommend that in its response to this Report, the Government set out its position on each of the Electoral Commission’s proposals for further reform of electoral administration law.

105 Ev 109

106 Q 284

107 Q 283

9 Conclusion

101. While there is general agreement in principle that individual electoral registration (IER) is the right move for Great Britain, our inquiry has revealed concerns about the detail of its implementation.

102. We welcome the opportunity we have had to scrutinise the draft legislation on IER and electoral administration in detail. The next version of the Bill should be improved as a result of the consultation process, and as a result of parliamentary scrutiny.

Conclusions and recommendations

Introduction

1. We welcome the fact that these proposals have been published for pre-legislative scrutiny by us, as well as for wider consultation. (Paragraph 6)

Registration as personal choice

2. We welcome the Government's acknowledgment that care needs to be taken not to make it too easy for people to opt out from what is still regarded as a public duty, even under the Government's current proposal that failure to register to vote should not be a criminal offence. We urge the Government to take the necessary steps in this direction in the Bill. (Paragraph 23)
3. We recommend that it should initially be an offence to fail to complete a voter registration form when asked to do so by the relevant electoral registration officer. This should be reviewed after five years of operation of the new system of individual registration, by which time registration levels may be high enough and a culture of individual registration sufficiently embedded for compulsion no longer to be necessary. (Paragraph 28)

Constituency boundaries

4. For the next parliamentary constituency boundary reviews to be fair and representative, electoral registers across the country need to be at least as complete—and as consistently complete—as they are now. The Government needs to ensure that its proposals will achieve this end. (Paragraph 32)
5. There is a risk that the electoral registers in December 2015 will be particularly varied in their levels of completeness: this matters because they will be used under current legislation as the basis for the next boundary review. We recommend using instead the registers as they stood on or before general election day in May 2015. (Paragraph 33)

Groups at most risk of failing to register

6. We recommend that the Electoral Commission's public information campaign around the launch of individual registration include as an important element strands aimed at encouraging those in groups currently under-represented on the electoral rolls to register to vote. (Paragraph 36)
7. There may be a small number of people who neither have the required documentation nor are able to travel to an office to attest to their identity. We recommend that the Government ensure that people in this situation are not deprived of their right to vote. (Paragraph 39)

Improving registration rates

8. We recommend that the edited register should be abolished. (Paragraph 43)

Identifying duplicate entries

9. We recommend that the Government explore ways of improving the sharing of information between local authorities, especially where potential electors move house. (Paragraph 49)

Canvass arrangements for 2014

10. We recommend that the Government take steps to ensure that the electoral registers used for identifying individuals in the initial round of invitations to register under IER, as well as those used for the 2015 general election, are as accurate and complete as possible. We have heard serious concerns that the Government's current proposals will miss an unacceptably large number of potential electors, and calls from many of our witnesses for a full household canvass in 2014 to address this problem. We believe, given the unique circumstances of the change to IER, that the Government should reconsider its decision not to hold a full household canvass in 2014. (Paragraph 59)
11. One alternative to holding a full annual household canvass in 2014 would be to identify those parts of the country with a significant level of annual turnover on the electoral register, and to provide for something like the usual annual household canvass to take place in 2014 just in those areas. For this to happen, some parts of the country will need more funding than others. We recommend that the Government confirm that this is its intention. (Paragraph 60)

Postal and proxy voting

12. We recommend that the Government look closely at applying the same carry-forward arrangements for the 2015 General Election to postal and proxy registrations as to other registrations, to avoid inadvertently disenfranchising vulnerable electors. (Paragraph 66)
13. We recommend that the Government take the opportunity provided by the introduction of individual registration to consider dropping the requirement of a signature as a personal identifier to cast a postal vote once IER is well-established. This is because of the unreliability of the signature as a personal identifier, and because those electors wishing to cast a postal vote under IER will already have had their identity verified by other means. (Paragraph 69)

Resources

14. We recommend that the Government publish the information, including draft secondary legislation that electoral administrators need to deliver the necessary infrastructure for individual registration, as soon as possible after the Individual Electoral Registration Bill is introduced. (Paragraph 75)

15. We conclude that there is a strong case for the Electoral Commission to be given powers to intervene where EROs consistently fail to meet agreed performance standards. (Paragraph 77)
16. We recommend that the Government ensure that the funding it provides to support local authorities with the transition to IER is ring-fenced for this purpose. (Paragraph 78)

Data matching

17. The evidence we have received suggests that data matching will be of limited effectiveness, especially in identifying potential electors. We recommend that the Electoral Commission publish its evaluations of the pilots before second reading of the Bill, in order to inform debate. (Paragraph 83)
18. Data matching can only be a success if local authorities are provided with the information they need in a timely and helpful way. We regret that the Ministry of Defence has taken so long to co-operate with at least one of the data matching pilots. This suggests that there may be a need for better central co-ordination and ministerial oversight of the data matching programme. (Paragraph 84)

Treatment of personal data

19. The Government's proposals for data collection, retention and disposal appear to us to be proportionate. However, much of the detail is still unknown. (Paragraph 89)

Draft electoral administrations provisions

20. The proposals published in July have been widely supported. We have had only a very limited opportunity to test the proposals published in September. (Paragraph 92)
21. We recommend keeping the deadline for postal vote applications at eleven days before polling day. (Paragraph 93)
22. Unless strong evidence should emerge to the contrary, we recommend that the Recess Elections Act should be amended to allow writs to be issued in recess for any vacancies that arise where a Member effectively resigns their seat. (Paragraph 94)
23. The provisions published in draft by the Government are largely technical, but the Government needs to be able to explain why it is making the package of proposals that it is, and why it is not taking forward other proposals for change in electoral law, particularly those put forward by the Electoral Commission. (Paragraph 96)
24. We recommend that in its response to this Report, the Government set out its position on each of the Electoral Commission's proposals for further reform of electoral administration law. (Paragraph 100)

Formal Minutes

Thursday 27 October 2011

Members present:

Sheila Gilmore
Fabian Hamilton
Tristram Hunt

Mrs Eleanor Laing
Mr Andrew Turner
Stephen Williams

In the absence of the Chair, Mrs Eleanor Laing was called to the Chair.

Draft Report (*Individual Electoral Registration and Electoral Administration*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 102 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Tenth Report of the Committee to the House.

Ordered, That Mrs Laing make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report (previously reported and ordered to be published on 14 July, 8, 13 and 15 September and 13 October).

[Adjourned till Thursday 10 November at 9.45 am]

Witnesses

Thursday 8 September 2011

Page

Dr Roger Mortimore, Director of Political Analysis, Ipsos Mori, and **Dr Stuart Wilks-Heeg**, Senior Lecturer in Social Policy, University of Liverpool, and Executive Director, Democratic Audit Ev 1

Tuesday 13 September 2011

Louise Stamp, Electoral Services Manager, London Borough of Tower Hamlets, **Julian Bassham**, Electoral Services Manager, London Borough of Southwark, and **Darren Whitney**, Democratic Services Manager, Stratford-on-Avon District Council Ev 13

Simon Woolley, Director, Operation Black Vote Ev 18

Cristina Sarb, Public Policy Adviser, Scope Ev 21

Katie Ghose, Chief Executive, Electoral Reform Society Ev 23

Thursday 15 September 2011

John Turner, Chief Executive, Association of Electoral Administrators, **Jocelyn McCarley**, Assistant Chief Electoral Officer for Northern Ireland, and **Michel Saminaden**, Chief Executive, Welwyn Hatfield Borough Council, Joint lead on IER for SOLACE Ev 29

Jenny Watson, Chair, **Peter Wardle**, Chief Executive, and **Andrew Scallan**, Director of Electoral Administration and Boundaries, Electoral Commission Ev 38

Thursday 13 October 2011

Mr Mark Harper MP, Minister for Political and Constitutional Reform Ev 49

List of printed written evidence

1	Dr Stuart Wilks-Heeg	Ev 69, 70
2	London Borough of Tower Hamlets	Ev 74
3	London Borough of Southwark	Ev 77
4	Stratford-on-Avon District Council	Ev 80
5	Scope	Ev 81
6	Electoral Reform Society	Ev 85
7	Association of Electoral Administrators	Ev 90
8	Electoral Commission	Ev 95, 107, 109
9	Mr Mark Harper MP, Minister for Political and Constitutional Reform	Ev 111, 112

List of additional written evidence

(published in Volume II on the Committee's website www.parliament.uk/pcrc)

1	Dr Scott Orford, Professor Colin Rallings and Professor Michael Thrasher	Ev w1
2	Bristol City Council	Ev w3
3	Dr Toby S James	Ev w4
4	EURIM	Ev w10
5	Information Commissioner's Office	Ev w12
6	Credit Services Association	Ev w14
7	192.com	Ev w14
8	MIND	Ev w19
9	London School of Economics	Ev w21
10	Open Rights Group	Ev w23
11	British Youth Council	Ev w24
12	The Labour Party	Ev w25
13	Chris Ruane MP	Ev w29
14	National Union of Students	Ev w31
15	British Community Committee of France	Ev w32
16	Andrew Milne	Ev w34
17	David Burrage	Ev w35
18	Brian Cave, Pensioners Debut	Ev w37
19	Department for Work and Pensions	Ev w38
20	Ministry of Defence	Ev w38

List of unprinted evidence

The following written evidence has been reported to the House, but to save printing costs has not been printed and copies have been placed in the House of Commons Library, where they may be inspected by Members. Other copies are in the Parliamentary Archives (www.parliament.uk/archives), and are available to the public for inspection. Requests for inspection should be addressed to The Parliamentary Archives, Houses of Parliament, London SW1A 0PW (tel. 020 7219 3074; email archives@parliament.uk). Opening hours are from 9.30 am to 5.00 pm on Mondays to Fridays.

Anita Rieu-Sicart, Editor, Var Village Voice

John and Olive Parsons

Graham and Valerie Neal

Hugh and Pat Moore

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010–12

First Report	Parliamentary Voting System and Constituencies Bill	HC 422
Second Report	Fixed-term Parliaments Bill	HC 436 (Cm 7951)
Third Report	Parliamentary Voting System and Constituencies Bill	HC 437 (Cm 7997)
Fourth Report	Lessons from the process of Government formation after the 2010 General Election	HC 528 (HC 866)
Fifth Report	Voting by convicted prisoners: Summary of evidence	HC 776
Sixth Report	Constitutional implications of the Cabinet Manual	HC 734 (Cm 8213)
Seventh Report	Seminar on the House of Lords: Outcomes	HC 961
Eighth Report	Parliament's role in conflict decisions	HC 923 (HC 1477)
Ninth Report	Parliament's role in conflict decisions: Government Response to the Committee's Eighth Report of Session 2010-12	HC 1477

Oral evidence

Taken before the Political and Constitutional Reform Committee

on Thursday 8 September 2011

Members present:

Mr Graham Allen (Chair)

Mr Christopher Chope
Sheila Gilmore
Andrew Griffiths
Simon Hart

Tristram Hunt
Mrs Eleanor Laing
Mr Andrew Turner
Stephen Williams

Examination of Witnesses

Witnesses: **Dr Roger Mortimore**, Director of Political Analysis, Ipsos MORI, and **Dr Stuart Wilks-Heeg**, Senior Lecturer in Social Policy, University of Liverpool, and Executive Director, Democratic Audit, gave evidence.

Q1 Chair: Roger, how are you?

Dr Mortimore: Good, thank you.

Chair: Very nice to see you. Stuart, welcome.

Dr Wilks-Heeg: Nice to see you, Graham.

Chair: I don't know whether you would like to kick off and give us a perspective from your own point of view before I ask Members to ask a few questions.

Dr Wilks-Heeg: Broadly, I welcome the proposals. I think the introduction of individual electoral registration is overdue and there are issues, as we know. There are concerns to do with the experience in Northern Ireland, which we all recognise. I think there are some details in the White Paper that I think would merit some further discussion, but I am very encouraged by the decision to go ahead with the change in the registration system and with, I think, the very clear thinking in the White Paper for how to minimise some of the risks.

Dr Mortimore: Yes, I think I would agree with that. I don't think if you had been devising a registration system from scratch you would have ended up with what we have now, which has developed through several hundred years of historical evolution. It obviously makes much more sense to do individual registration, but there are going to be some practical consequences of the changeover that need to be borne in mind.

Q2 Mr Chope: Can I ask you specifically about the transitional arrangements and what you think about the proposal that there should not be a canvass in 2014 of individuals?

Dr Wilks-Heeg: I think there are two issues here. One is the issue that, because of the decision that people will not be removed from the register if they fail to respond in 2014, they will be kept on the register from 2013. I think the implications there of what the register might look like in 2015, in terms of accuracy and completeness, is something we might want to think through, particularly if there is considerable non-response. The other issue is: what happens to the future of the canvass generally under individual registration? I am very pleased that the White Paper does not say that there is an intention now to remove the canvass, but it will be considered. I am very

pleased to see that Parliament will have the final say in that. The reason it is so important is because we have seen in Northern Ireland what appears to be a negative canvass effect in the early years there, where they did do an annual canvass with individual registration. I don't think anybody really understands why that has happened, but it was happening and hence there has not been a canvass in Northern Ireland for some time. So I think generally the role of the canvass in relation to individual registration is something that really needs some careful thought.

Q3 Mr Chope: You would like to see an individual canvass in 2014 as well?

Dr Wilks-Heeg: Perhaps I have the detail wrong. As I understand it, in 2013, people are invited to register as individuals.

Mr Chope: Yes.

Dr Wilks-Heeg: In 2014, there is no canvass whatsoever; is that correct? If you did another canvass in 2014, you would minimise the risk of inaccuracy creeping into the register for 2015, but then the issue about how you manage the potential of people dropping off the register could become more complex. It could be looked at, but I am not sufficiently au fait with the practicalities of that to offer you a very clear view of whether the 2014 canvass—

Q4 Mr Chope: Can you understand why there is not going to be any canvass in 2014?

Dr Wilks-Heeg: As I understand it, it is related to the decision, which I think is correct, to try to prevent people falling off the register if they failed to provide their personal identifiers to register under individual registration. I have understood it as an administrative mechanism to facilitate that—to prevent the problem of people dropping off the register. Whether that could be done anyway, with the 2014 canvass run in the same way, I am not clear, but you may have to pursue that one with others who might want to give you a clear rationale for the 2013, rather than 2014, canvass. My understanding is that is the reason why it has been defined in that way.

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Q5 Mr Chope: Doesn't that mean that when it comes to 2015, there will be people who will be turning up to vote who will not have signed as individuals as part of individual voter registration?

Dr Wilks-Heeg: Correct. That will happen, but that is precisely because of the commitment that has been made that people will not drop off the register if they fail to respond, and we know there is a fairly high risk of that happening.

Q6 Mr Chope: Effectively, we will not have individual voter registration for all electors in 2015.

Dr Wilks-Heeg: Correct.

Q7 Mr Chope: The purpose of it was to try to reduce fraud, and the way it was going to reduce fraud was because you would have a signature for everybody who was on the register. In fact, the way the Government are choosing to do it, perhaps because of pressure from the Liberal Democrats—who knows?—will not result in individual voter registration in 2015 for everybody.

Dr Wilks-Heeg: It is clearly a transitional phase. I think the alternative would have been to have kept the period of voluntary registration under individual voter registrations; that is obviously what the previous Government proposed. I was personally fairly comfortable with that idea of a voluntary phase, and then when it seemed to be in a suitable state—when the register seemed to be sufficiently complete and accurate under individual registration—you flick the switch and go over. However, I think it was the view of the Electoral Commission, the Association of Electoral Administrators and a number of others that the voluntary phase was a bit of a nonsense, and that people would not register under that system, so I understand the concerns. I understand why this has been suggested as an alternative. Clearly, in 2015, the election will not be fought on a register compiled fully under individual registration—correct.

Q8 Stephen Williams: I would like to give some specific examples of households where this might pose a real difficulty. A large part of my constituency, Bristol West, has houses with multiple occupancies. There are student halls of residence and so on. So you would have the situation in 2013 where a lot of young people might be registered to vote in an election, say, in 2014. If someone comes along in the meantime, over the next year, and registers themselves, they will clearly knock off one of those persons in that room, although how you will identify that in an HMO is an interesting question itself, because usually the address is just the main address, rather than "Room 1 at 42 Gatton Road" or something. In a hall of residence it may be an even bigger problem; the warden will have registered 240 students, say, but clearly by the time we come to the 2015 election, two generations-worth of residents will have lived there. How on earth will a presiding officer cope with several people potentially turning up at a polling station in any university seat—or city centre constituency, wherein there will be a similar population mix—and be able to identify who is eligible to vote and who is not?

Dr Wilks-Heeg: The university seats all have those kinds of residential patterns. The problems you describe are fairly familiar under the current system, but they will become more obvious under individual registration. I think it is quite clear that in the transitional phase there will be problems such as the ones you describe. I think individual Electoral Registration Officers will find that there are things that they can do to encourage the students to register under the new system and obviously to update their details using the rolling registration mechanism, but we know that that has its limitations, particularly among that age group. I think it is almost inevitable that we are going to see those kinds of difficulties. We also know that very clearly from Northern Ireland, where, again, it is places such as student halls of residence, big residential homes, and so on, where we see this enormous problem in getting entries on the register. So I think you are right, and it is part of what we are going to see. It is an issue for the state of the 2015 register, but an unavoidable one.

Q9 Stephen Williams: This is it, Chairman. It is not just student areas; it is probably a facet of life in any town centre, or particularly in city centres, where there are lots of young people—anywhere up to 35—who tend to live in shared accommodation. Three people may live in a house one year. One moves out the following year and a new lodger comes in, but it is very hard to identify from individual registration which person has been knocked out. I am not sure the documentation has been designed to cope with that.

Dr Wilks-Heeg: I would agree. Again, under the current system, we know that those are exactly the types of households where it is—

Q10 Stephen Williams: It exists under the current system, but I am not sure this is going to solve it.

Dr Wilks-Heeg: No, it won't solve it. If anything, it will make it somewhat worse.

Q11 Chair: Roger, any comments on this?

Dr Mortimore: Yes, I think that is a real problem if you are not doing a canvass. Both the administrative and public culture of our registration is based around a canvass, and people remembering to fill out the form every year. As for rolling registration, very few people take advantage of that. If we have a position on election day where the register essentially depends on the registration officer having guessed which of the people on his list have left and should have been knocked off and which one has not, he is going to get that wrong in some cases. A thing we find a lot in doing our surveys is that an address these days can sometimes apply to more than one household, and that can change. If you have a household that splits off and creates a flat and rents it out, or they split one flat into two, the address of those two halves of the flat may be the same as the address for the whole flat beforehand. So a new name comes in, and it would actually be wrong to knock the old name off. You can check that by a canvass if the form is filled out, but it is very hard to check that just on the fact that you have a new name so you have to decide which old one to get rid of.

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Stephen Williams: Which means there is a problem.

Q12 Tristram Hunt: Can I begin by touching on this idea of the verification of the applicant for individual electoral registration? Their National Insurance number or whatever is going to identify them. The evidence of this will then be destroyed within a period of six months, and then what? Presumably, they will be collected again the following year.

Dr Wilks-Heeg: As I understood it, they were collected as a one-off, and what was also collected at the same time was the date of birth. The date of birth was kept and the combination of the date of birth and the person's name would be, in effect, the unique identifier for that individual. Therefore, there was no need to keep the National Insurance number, but it was there as an initial check that that was a real person.

Q13 Tristram Hunt: What is the argument against keeping that evidence, rather than destroying it after six months?

Dr Wilks-Heeg: As I understand it, it is twofold. There are data protection concerns and, I suppose, in particular, concerns of members of the public that, if their data are being held permanently in that way by the Electoral Registration Officer, it might in some way be rendered insecure. The other reason is that there is a feeling that once you have that, as I said, and you have verified that that is a real person, then the date of birth and the name in combination are sufficient for the objectives of individual registration.

Q14 Tristram Hunt: Would it help the purposes of electoral registration to hold on to those data, do you think, or there is no need? Do you think once you have them, it is fine?

Dr Wilks-Heeg: I am not greatly persuaded that they would need to be kept, actually. I think it probably is a sensible move and is an improvement on the previous proposals. Likewise, the decision not to collect a signature is, I think, sensible, because we know there are all kinds of problems with signatures and matching them, and so on.

The thing I wonder about is whether, once you have somebody's name and date of birth and have verified somehow that it is their correct date of birth, that really will enable you to identify people uniquely, or whether there might be some overlap. Also, given what I understand from the White Paper—the decision not to go ahead with the co-ordinated online register of electors—I am also wondering what scope there will be to use the date of birth to identify whether an elector is appearing in multiple electoral registers. I think there are some issues around that.

Q15 Tristram Hunt: Why has there been a change of policy on that?

Dr Wilks-Heeg: On the online register of electors?

Tristram Hunt: Yes.

Dr Wilks-Heeg: Well, you might have to ask the authors of the White Paper, but as I understand it, the online register of electors was a project that was very long in the making, and which made very little headway. There were all kinds of problems about who

was going to take ownership of it and whether it was technically feasible or not, and there were concerns, it was felt, among the general public about this idea of a single electoral register for the whole country. I would imagine a decision has been made to drop it on those grounds, but I think it does raise issues of how Electoral Registration Officers are meant to identify whether John Smith, born on such and such a date on their register, appears on any other register or not.

Q16 Tristram Hunt: It reduces the capacity for cross-referencing and potentially the security of the register?

Dr Wilks-Heeg: I think it must do, because I can't see what other mechanism could be used to do that kind of cross-matching and comparison.

Q17 Tristram Hunt: If you were pushed, might you suggest that there were ideological reasons for getting rid of this register, rather than it being in the interests of having a fully up-to-date and effective register?

Dr Wilks-Heeg: I wouldn't say it was ideological. I have no idea if it was ideological or not. I can certainly see practical reasons why it has not gone ahead.

Q18 Tristram Hunt: The second area I would like to touch upon is that it seems to me a rather interesting intellectual development that, in the move to individual registration, we are moving from a notion of registering as part of a civic duty, as part of being part of the system of governance and political culture, to something akin to personal choice, like your Nectar card or your BA Miles. Is that good for democracy, do you think, or bad for democracy?

Dr Wilks-Heeg: Personally, I think this is one of the most surprising things in the White Paper, one of the things that leapt out at me when I read it. I had not seen it coming. You are absolutely right; we do have this notion of registering to vote being a civic duty. I do not have any hard and fast evidence for this, but I think, certainly anecdotally, people do sense that there is a legal requirement to register to vote and, indeed, there is a legal requirement for the form to be completed. The legal redress against people who do not fill it in is very rarely used—people are rarely fined and so on—but I think the context in which people receive the form and respond to it is important. To be told suddenly that it is a choice—that it is up to you whether you register or not—is a pretty big shift in the context of how people will react to that decision to register to vote or not. I am not sure the implications of that have really been thought through. It could have a very significant effect, particularly among the groups that we know are difficult to register and keep on the register.

Dr Mortimore: I agree. It is a very dramatic change, and I think I am opposed to it. I am not quite sure how much of an impact it is going to have on the public. When we ask people why they register, only a small number of them say, "Because I have to." When we have asked them whether they are aware that they could be fined if they do not register, something like 80% say, "No, it's not true; you can't be fined." There is actually not a wide public understanding that it is

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compulsory at the moment, but it is certainly a big change of principle to move from compulsory to optional. I think it is a change in the political culture of what we are saying about the meaning of the democratic system, and what obligations it imposes on citizens of this country.

Q19 Tristram Hunt: Why do you think this Government want fewer people to vote?

Dr Mortimore: I am not sure it is going to affect the number of people who vote. I think we can assume that the people who will choose not to register will be mostly choosing not to because they do not want to vote. It is not really the same thing at all. It is certainly likely to reduce the number of people who register; I think that is clear.

Q20 Tristram Hunt: It changes the culture. It has a potential trickle-down effect in terms of how we regard our civic duties and functions.

Dr Wilks-Heeg: I think it does, and we know from survey evidence that there is a long-term, quite serious, decline in people's sense of having a civic duty to vote. I think that will probably reinforce that pattern, which is very difficult to reverse in any case, so I think it does have fairly significant implications. It is sketchy, but the research evidence that we have from surveys of EROs done in the 1980s and 1990s did suggest that EROs reminding voters that it was a legal requirement to return the form did have something of an effect, at least increasing the canvass response by perhaps a couple of percentage points. I think it would be concerning if we thought this would have no effect. I think there is enough evidence to suggest that it is likely to depress registration levels, at least slightly.

Q21 Tristram Hunt: Does that have knock-on effects in terms of other civic duties, like jury duty for example?

Dr Mortimore: It has a very direct knock-on effect on that, because if you are not on the register, you cannot be called for jury duty, so making registration optional makes jury service optional.

Q22 Tristram Hunt: Potentially limiting people's capacity to vote and to do jury duty does not seem a very progressive way of proceeding.

Dr Wilks-Heeg: It is, again, a concern. It is something that is not picked up in the White Paper and perhaps should have been. Part of the White Paper does talk about some of the different uses of the electoral register, and I don't think it mentions jury service, from memory.

Tristram Hunt: Perhaps they forgot.

Dr Wilks-Heeg: Perhaps. Yes, it is a relevant concern.

Chair: I am going to ask Simon to follow up, but before that, I again apologise to both witnesses and, indeed, to colleagues who were not here earlier; I have two questions on the Floor of the House that were inadvertently left on the Order Paper. If you will excuse me, my very capable colleague Eleanor will take over for a period. I will be back as soon as I can.

Simon Hart: Can I proceed as planned?

Chair: Please proceed. Thank you.

In the absence of the Chair, Mrs Laing was called to the Chair.

Q23 Simon Hart: I just wanted to explore one answer to Tristram Hunt's question. On the one hand, Roger, you were mentioning that you did not think it would necessarily have an adverse effect on voter numbers—did I hear that correctly?—because people who did not want to vote were not going to register. On the other hand, you were both talking about at risk groups. I was just not quite certain how we can have an at risk group under these proposals if it does not, therefore, have a downstream effect on the number of people who are going to vote. I wondered if you could just clarify that point.

Dr Mortimore: There is clearly a potential effect, and obviously we are speculating here because we have never had a situation before in this country where it has been formally optional to vote. What we have generally found is that the groups who have chosen—as far as they are allowed to choose at the moment—not to get on the register are doing so, and telling us they are doing so, because they don't want to vote. They don't see the point of voting. Therefore I think we can presume that, even if they are on the register, they are not voting, at least in the majority of those cases.

Q24 Simon Hart: So they will simply go from being on the register and not voting to not on the register and not voting?

Dr Mortimore: Exactly, yes.

Q25 Simon Hart: Can you expand a little bit on how you would describe the at-risk groups? What sort of section of society we are talking about? As a follow-on from that—and perhaps this is a question for you rather than for Stuart—what is the political effect? Have you had a stab at what the political effect might be?

Dr Mortimore: I can at least make a guess at it, yes. Broadly speaking, we are talking about the groups that are least interested and least engaged in politics. They are generally the poorer and the more disadvantaged groups, the young and ethnic minorities. All of those groups, when they do vote at all, are more likely to vote for Labour than for Conservatives. How many of them vote, and how big that effect is, is something that I don't think we are very clear on but, as far as there is a political effect, clearly it is most likely to disadvantage the Labour party.

Dr Wilks-Heeg: Could I add something to that, because I think it is important? If we do see a large number of people drop off the registers, even if in all likelihood they are not going to vote, that will have a profound implication for the redrawing of boundaries under the new rules that have just gone through. If there is going to be a political effect, that is where we could see it very, very significantly, because if the kind of groups we expect to drop off the register are the ones that we start to see drop off the register, it really could have profound effects for the redrawing of constituency boundaries next time round.

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Q26 Simon Hart: On the lower of the threshold figures of, say, 73,000, are you suggesting, under the new boundaries, you might actually find, come 2015, that the boundaries were drawn with 73,000 in mind—that is to be published next week—but when it comes to voting in 2015 it might actually be 65,000? Is that roughly what you are getting at?

Dr Wilks-Heeg: The electoral quota—the mean required—could well be lower, but we also know that the geography of people likely to drop off the registers will be very distinctive. As we have heard, it is in inner-city areas that we know there is going to be the biggest problem, so you could see a loss of representation in the big cities purely as a result of the change in the registration system.

Q27 Mrs Laing (in the Chair): If we start on that one, is it not the case that local authorities have a duty and a capability now to cross-reference other information that they hold—for example, about housing benefit and other benefits—so that local authorities do not depend only upon people voluntarily registering to vote in order to know what their population is?

Dr Wilks-Heeg: True, but that has no role to play in the redrawing of boundaries.

Q28 Mrs Laing (in the Chair): It does on the compiling of the electoral register, because even without a canvass, the local authority has the ability now—and a duty—to cross-reference. Therefore it is not really left only to the individual; the local authority has a role to play as well.

Dr Wilks-Heeg: The Electoral Registration Officer currently is expected to consult those other sources for the purposes of updating the register, and from what we know from performance standards data, and so on, they do. Under the new system, if registration is voluntary, then the ERO could be going to that person and saying, “We know that you live here, and we think you are eligible to vote; will you register?”. Or they would be given the choice, and they could well turn around and say no. That is a clear change in the system that could, or is very likely to, lead to this drop-off in registration levels.

Q29 Mrs Laing (in the Chair): I think we might have identified something quite important here. You are bringing about a change that takes away the obligation on somebody to register to vote, so that it is perfectly legal and acceptable for someone not to register themselves, and yet the existence of that person is known through other data collected by, or available to, the local authority, such as housing benefit data. But you are saying that, for the purpose of compiling the statistics on which boundaries are decided—that is, population statistics—only the electoral register is to be used. Perhaps we could make a note, and possibly a recommendation as a Committee, that there ought to be a wider look at the numbers of population from other data available to local authorities. Would that make sense?

Dr Wilks-Heeg: Yes, and so that we are absolutely clear, the rules for the drawing of constituency boundaries is entirely about the number of entries in

the electoral register. There is no account taken of population whatsoever currently under the law.

Q30 Mrs Laing (in the Chair): Is it not the case that, of course, it can't be, because the population consists of people who don't have a right to vote?

Dr Wilks-Heeg: True. I have recommended before that you might want to look at a population maximum, for example, for a constituency, because you might feel that for an MP to represent 140,000 constituents is a bit excessive—it does happen in one or two cases. You could look at having some population element to it, but obviously there would be problems in making sure that the population data are sufficiently robust at a very local level to make that as accurate as possible. The key thing is that at the moment it is all about the number of entries on the electoral register, and that will be affected by these changes.

Q31 Mrs Laing (in the Chair): Just for final clarification on this point, are you saying—and I will ask Roger to come in on this, too—that as a measure of the people who are eligible to vote in a particular area, and who should be taken into consideration when numbers for boundaries are being calculated, the electoral register itself may not be a sufficient measure of those eligible to vote in that particular area?

Dr Wilks-Heeg: Correct. I would say that, yes.

Q32 Mrs Laing (in the Chair): Roger, can you add to that?

Dr Mortimore: Yes, that is clearly true. There are significant numbers of people who are eligible to vote who are not on the electoral register at the moment for various reasons. That will vary from region to region, so that some regions are disadvantaged in the number of seats they get as a result.

Mrs Laing (in the Chair): I will stop this line of questioning for the moment, because I know that Stephen wants to get in and has to go somewhere.

Q33 Stephen Williams: Simon asked part of what I was going to ask, but there is a bit I want to add to it. Maybe it is a question for Roger. How much do you know about why someone who is on the register and is, say, in a stable household does not vote? In my old constituency, as a generalism, one ward that was almost entirely semi-detached houses would have an 82% turnout, but that still meant that 18% of people who were ultra middle class, entirely white, in an entirely well-educated area, decided not to vote for some reason. Have you done any research on why that might be?

Dr Mortimore: Yes. We know a fair amount about what they tell us as to why they did not vote, but then you have to interpret that into what it really means. The vast majority of them will give a reason that is something to do with inconvenience: “I was too busy”, “I couldn't find the time” or, in some cases, “I forgot.” Clearly a lot behind that is—particularly the matter of inconvenience—that it was too inconvenient because it was not important enough. If it had been getting to a dying parent's bedside, you would have been able to do it. I think for most of those who do

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not vote, it comes down to a decision that voting is not important enough for them to take the trouble.

Q34 Sheila Gilmore: I would like to pursue this issue a bit further, particularly as regards the groups that have been identified in previous evidence—young people, ethnic minorities, disabled people, generally people who may be subject to social exclusion. I apologise in advance if anybody else was intending to ask this, but in the White Paper there seemed to be a suggestion at one point that the final date for registration might be pulled back. I think elections in themselves quite clearly do generate interest, and I think all of us do find that there are people who are not necessarily in the “I deliberately didn’t register because I am not interested and I never vote” category, but are perhaps in the “I never quite got round to it; I didn’t realise you had to send the form in. I’ve not been here all that long and I haven’t quite gotten round to it” category, and that does happen. Not all of them will be in these more excluded categories, although a lot will, so when people can register is an issue, up to a point. Is there any evidence about making the date later, which has been done in recent years? It used to be very early. An election was called, and the last date for registration was very close to that, so you were nearly too late. In recent elections, I think we have seen quite a bit of late registration generated by the fact that an election has been called. Is there some evidence for that?

Dr Wilks-Heeg: Obviously, 10 years ago or more, your only opportunity to register was during the annual canvass. Rolling registration provisions have corrected that very important problem. You are right: more and more people do register closer and closer to the actual election date. I can’t remember the figures for the last election, but it was certainly a record. It was very, very significant, and there was quite a registration drive, actually, which helped that to happen. We know lots of young people, in particular, registered in that way in the run-up to the election.

I think part of the issue here is what it means administratively for the people doing the registering, particularly when there is so much else to do now compared to, say, 10 years ago, in terms of administration of elections, particularly with postal ballots and then subsequently postal ballot verification and so on. There is an intense pressure on electoral administrators, I think, in that run-up to elections. Perhaps it is a recognition that, with the additional requirements of individual registration, they are simply going to need a bit more time to process all of these. I would like to see, if it could possibly be done, registration right up until election day, or same-day voter registration, as they have in some parts of the United States, but that would need resourcing. I think we are some way from being able to do that.

Dr Mortimore: I only really have anecdotal evidence that it happens, but I certainly got the impression that there were significant amounts of late registration at last year’s election—of people realising at the last moment. It really only is the last couple of elections where that has been possible. I can’t remember if it was the 2001 or 2005 election when the cut-off date was before the election was formally called. By the

time you had been reminded by the fact that the Prime Minister had called an election, it was too late to do anything about it.

Q35 Sheila Gilmore: Yes. You would agree it is actually important to have that window of opportunity at least as late as possible? I understand some of the operational issues, although I am attracted by the “turn up, register and vote” process that they seem to be able to manage in—

Dr Mortimore: In global terms, it is a small number of people, but it is allowing people to vote who otherwise would not have been able to and want to.

Q36 Sheila Gilmore: I do think—probably colleagues would agree—that you encounter people whose lack of registration is not necessarily a conscious decision, and it is the fact that things are going on and they have people like us coming to their door as well that means—

Dr Mortimore: Yes, absolutely true. I think it is a minority, but certainly for a significant number of people who are not on the register, it is through inadvertence or error, or even believing that they are on the register and suddenly discovering to their horror that they are not.

Mr Graham Allen resumed the Chair.

Q37 Sheila Gilmore: Do you think there are any other ways in which it could be made easier for people—particularly, again, the at-risk groups? I am particularly struck by the fact that the proposal is that, although you would stay on the register if you want to vote in person, if you want a postal vote you are going to have to go through the individual registration process. I can see the logic behind that, but that is perhaps particularly going to affect older people and disabled people, who need a postal vote. It is not necessarily just a question of, “It is easier so I will get one.” Do we need to make special efforts to deal with that, to ensure that they do get that? I think people have become quite used to postal voting again. At one time it was very much harder to get a permanent postal vote. You had to get it all cross-signed by doctors, and you had to have very specific reasons. From memory, it was always slightly easier to get a one-off postal vote. Now it is just kind of there and people are quite used to that. In fact, again, it is something when you encounter people—I am sure we all have that—you might say to them, “Do you have a postal vote?” or they will say, “Oh yes, I always get my postal vote.” Are there any suggestions as to how we ensure that these people don’t lose the advantages that perhaps they have had in recent years?

Dr Wilks-Heeg: I think it is possible, because of the additional hurdle of getting a postal vote, that next time round there might be fewer postal votes. It is quite likely that a fairly large number of the people with postal votes currently would vote anyway if they decided not to have a postal vote, or could not get one for any reason. There are obviously some groups, which I think are the ones you are pointing to, where a postal vote is really very important to them. At the moment, they already go through some additional steps anyway to get their vote, because they do have

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to provide a signature and a date of birth, so the additional thing is that they will have to provide a National Insurance number. I think that is where it could get tricky for some of the groups we are talking about. If it is somebody elderly, they might not have seen their National Insurance number for some time and might not know where to locate it. It could be an issue. That is generally going to be a problem with individual registration, not just postal voters, about locating their National Insurance number and getting the National Insurance number right.

Q38 Tristram Hunt: To have a postal vote in 2015, you need to be on the individual electoral register, don't you?

Dr Wilks-Heeg: Yes.

Q39 Sheila Gilmore: Would you agree that this is perhaps a case of drawing up guidance or advising on guidance that—

Chair: Sheila, if we can move on. Eleanor, do you want to come in on the back of that?

Mrs Laing: No, I don't want to interrupt Sheila. I beg your pardon. After Sheila.

Sheila Gilmore: There might be a case for doing some extra work around groups like this, because what I am concerned about here is that you have people who become very used to getting their postal vote. They have gone through the initial hurdle of filling out the form, having the signature and putting their date of birth on, but in subsequent times it just arrives. They may well think that is going to happen, so would you recommend that some special effort is made by Electoral Registration Officers for this group of people?

Dr Wilks-Heeg: Certainly, there is a very clear risk that some people, who really do want to vote and want a postal vote, could be denied the opportunity to vote for the reasons that you cite. What the best mechanisms would be for making sure that does not happen I am not quite sure. We probably need some further research on that, and I would hope, as part of the process, which I think is very clearly laid out in the White Paper, the concern to make sure that the transition is as smooth as possible. I think that is something that should be looked at. Like many of the things that we might flag up, though, I think it is going to have resource implications for EROs if they are going to be doing that kind of supportive outreach work, in addition to all the other things they do to maintain the registers. It is definitely a legitimate concern, and it is certainly an area that needs looking at very carefully.

Q40 Andrew Griffiths: Thank you, gentlemen. Apologies for being a little late. First of all, can I just clarify with you both that you both believe that moving to individual voter registration will improve the integrity of the ballot and will cut down on electoral fraud? Are you both agreed on that?

Dr Wilks-Heeg: It will to a degree, but I think that the claims about that can be overstated.

Q41 Andrew Griffiths: For what reason?

Dr Wilks-Heeg: Clearly, what it really does start to address is that it helps to deal with many forms of inaccuracy in the registers. We know from the Northern Ireland register, for example, that it is really very accurate. It is not particularly complete, but it is a very accurate register as a result of individual registration. It should help to prevent bogus registrations, ghost voters, and so on, which are then used for the purposes of committing fraud.

We should underline, though, that is only one way in which electoral fraud can be carried out, so it does not solve all of the potential problems. Also, since 2006, the provisions in the Electoral Administration Act have, I think, reduced—not eradicated—the incidence of electoral fraud, based on the very sketchy data that we have. We know the peak of convictions was 2004, and we know that the convictions in the second part of the 2000s were much lower than in the first half, as a result of that legislation. There is a degree to which it might be trying to fix a problem that was more evident five, six, or seven years ago than it is now.

The final thing to say is in Northern Ireland we have a single electoral register for the whole country. That is why the system works well, in terms of weeding out duplicates and so on, which there certainly were before individual registration, as there would be on any register. If we don't have a single register for GB or UK, then there will be limited scope to do that, so the possibility of people being registered in two places when they are not entitled to be and then, potentially, voting in two places obviously still remains.

Dr Mortimore: It clearly helps to address the problem of bogus registration, of names of people who don't exist being put on the register, and, if it is a problem—I do not know if it is or not—of people who do exist but are not entitled to vote being put on the register. It does not really address anything else. Clearly, if we are looking five, 10, or 15 years down the line, it is going to depend very much on how well the whole system is maintained, and how effectively the updating is done, as to whether redundant names, as opposed to bogus names, are being consistently weeded out, or whether we end up with a register—as I suspect we have at the moment—with a large number of redundant names that were once accurate and have not been for some time.

Q42 Andrew Griffiths: Stuart, you raised the issue of Northern Ireland a couple of times in your answer. Can you tell us what you think are the lessons that we should learn from the Northern Ireland experience, and do you think that Government are drawing the right conclusions from Northern Ireland?

Dr Wilks-Heeg: The obvious lesson from Northern Ireland is the one I think we are all aware of, which is that it could lead to a significant drop in registration levels. There is this ongoing debate about whether the drop in Northern Ireland was what we expected anyway, because we knew there were duplicates and we knew that there were ghost voters. That is probably part of the story, but the registration rate really has come down so much that we know it has gone way beyond that.

Q43 Andrew Griffiths: Am I right in thinking it has gone from 100 down to about 87?

Dr Wilks-Heeg: Yes. It is always difficult to calculate registration rates because of problems with the data that I could bore you with, but essentially, yes, I think it has I think stabilised at around about an 82%, 83% registration rate now, which is really very low compared to the rest of the country. We know that risk is there. I do think the White Paper is very clear on the need to learn the lessons from that. It is extremely clear. The thinking that has gone into, for example, the data matching pilots, which we have not talked about very much, is, I think, very, very important indeed. I think the clear willingness of the Government to recognise the problem and to try and find solutions is very encouraging. Likewise—and that does raise issues—the decision not to allow people to fall off the register for 2015 is important as well. It will have that effect of depressing registration levels. I think it is virtually inevitable.

Chair: Could I just ask, Andrew, whether you have considered the consequences for boundary redrawing of this, and what they might be, if we have not already covered that?

Dr Wilks-Heeg: We have had a discussion.

Chair: You did?

Mrs Laing: It was not extensive.

Chair: It is a topic that interests Members particularly. I will move on. Forgive me, Andrew, continue.

Q44 Andrew Griffiths: Just to go back to something you said to us about the drop-off rate, how has that impacted on the turnout in relation to the whole population in Northern Ireland compared to the rest of the country? What I am saying is, while you had a drop-off in those registering to vote, is there any evidence that that has had a marked impact on the number of people that are voting?

Dr Wilks-Heeg: It is an interesting question. I have not looked at change in the number of votes cast in Northern Ireland, so I cannot tell you, but I would be interested to look if there does seem to be a discernible effect there.

Q45 Andrew Griffiths: Can I move back to the issue of those areas that appear to be most heavily affected by this—the metropolitan areas and London? Do you think that that is all as a result of the demographics of those people living in those areas, or do you think there is an element of effectiveness of the local authority and the ERO in those areas, to encourage people to register? Is it all about the people, or is it about the techniques that are used as well?

Dr Wilks-Heeg: Roger might want to say more about the demographics. My interpretation is that the socio-demographics are absolutely crucial. We know, certainly from the case studies that Ipsos MORI worked on with the Electoral Commission, that it is the same types of people, by age, ethnicity, and so on, across different local authority areas who are very likely to be missing from the registers. A lot of that has to do with mobility and the tendency of those groups to move house quite regularly, so I think that is absolutely clear. We do not have any hard and fast

evidence of what difference an Electoral Registration Officer might be able to make in a sort of comparable socio-demographic context, if they did things in a certain way rather than another way. We can look at cities that are broadly similar in terms of their social makeup. If we compare, say, Liverpool and Glasgow, we can see that electoral registration works rather better in Liverpool than it does in Glasgow. I would expect that to have something to do with the way electoral registration is being run. I would expect there to be some cases where an ERO could do better, and I think the Electoral Commission, through its performance standards work, is starting to identify those areas quite effectively now.

Dr Mortimore: I am very much not an expert on what the different local authorities are doing. I would assume that could have an effect, but I do not know whether it does or not. I would just add, on the demographics, that it is not just the demographics of the people who are living there but what sort of areas they are living in. You have to look at whether the housing characteristics themselves are having an effect. If you have a lot of multiple occupancies and tower blocks, that makes the job harder. It is harder to do the physical canvassing for the local authority. It is harder to keep track of what properties there are and which ones need to be sent forms every year.

Q46 Mrs Laing: Coming back to the issues that Sheila Gilmore raised about the reasons why people do not register and the importance of encouraging people to register, especially if it becomes voluntary, do fixed-term Parliaments help in this respect, insofar as people know that there is a general election on a particular date well in advance, rather than just wait for three weeks' notice? If the Electoral Commission has five years' notice of when a general election will be, is that likely to help in the push for encouraging people to register?

Dr Mortimore: I certainly expect that it will help a little bit. It will allow there to be publicity campaigns well beforehand, concentrated. We can get the comparison in London, from the campaign to raise registration before the last mayoral elections, which was able to be done several months in advance, because they knew when they were going to be. How much difference that makes is, I think, complete speculation. Of course, there is the point as well that these registers are not just parliamentary registers; they are local government registers. If you concentrate everything around getting people to register for a general election, you may just be ignoring the fact that you are leaving people off for the local elections.

Q47 Mrs Laing: Are you saying that there is a significant difference—I think there probably is, but I am trying not to ask this question in any leading way, Mr Chairman—in the attitude to people's keenness to register when they know that a local election is coming? We know that will happen on the first Thursday in May almost every year in almost every area of the country. Is there a significant difference in people's attitude to bothering to register when it is a local election, or even a mayoral election, as compared to a general election?

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Dr Mortimore: Yes, I would think so. I do not think we have ever actually measured it in those terms, but it is certainly clear that the imminence of a general election encourages people to register who have not already done so. It is certainly clear that they are much more interested in general elections than they are in local elections. Presumably, that would knock on to their interest in registration.

Dr Wilks-Heeg: The data we have for late registrations before different types of election are very clear. There are far more people registering in the run-up to a general election than there would be a European or a local. It is very clear.

Q48 Mrs Laing: That is what I was getting at. Is it the case that there is—not surprisingly—more interest in a general election? And so would it be the case that if a particular effort was made by the Electoral Commission and others to encourage registration in advance of a general election—for which the notice period is not just three weeks but many years, allowing planning to be put in place—it is likely that the process of encouraging and indeed ensuring registration would be improved because of that certainty of a general election date?

Dr Wilks-Heeg: It clearly could be, at least a bit, for general election years. I am not sure how much effect it might have, and we can only speculate, really. As I have said, it is very clear that, in the run-up to general elections now, people do often register late in quite large numbers, and you could clearly organise campaigns around that. My assessment of electoral registration campaigns in the past is that they do not have a huge effect. They are not having the effect that you might hope, but certainly there would be a benefit of some degree to it. It does then raise the issue of which register you are going to use for the redrawing of parliamentary constituency boundaries, because potentially you are going to have bigger fluctuations between years, depending on whether it is a general election year or not. If we start to get these big fluctuations, which is what we have seen in Northern Ireland to be honest, that can make quite a difference in the number of seats that an area is eligible for.

Chair: I will just bring Christopher in on that one.

Mr Chope: Not specifically on that, Chairman, thanks.

Chair: Okay, I will bring you back in a little later. Sorry, Eleanor.

Q49 Mrs Laing: Thank you. I think that we are uncovering something that could be important here, because one of the issues that everybody is concerned about—certainly, around this table—is the accuracy of the register and the accuracy of the numbers used when defining constituency boundaries. We did, Mr Chairman, touch on this half an hour ago. Are you planning from an academic point of view, either of you, to measure the fluctuations that you, Stuart, have just mentioned? This could be very important. If there really is a significant fluctuation in the number of people registering in the year of a general election, as compared with any other years—and I know we can't measure this as yet because we are talking about totally new systems—would that be measurable and

analysable? Is there such a word as “analysable”? Can that be analysed in a meaningful way?

Dr Wilks-Heeg: Clearly, it would be possible to monitor the fluctuations in registration levels and to see if they look terribly different to what we had under the old system. That clearly would be possible. In fact, some of you may have seen the research Democratic Audit has done to try to map out what the new parliamentary boundaries might look like. Interestingly, we did it twice. We did it once with the 2009 register and once with the 2010 register. Obviously, the 2009 one was the one compiled for the general election. We did find that there was a fair degree of fluctuation, particularly in some localities, which can make quite a crucial difference when it comes to redrawing the constituencies under the new rules, so our second map on the later register was quite different to the first one.

Q50 Mrs Laing: That is a very important issue that we are uncovering here. Do you have recommendations about what could be done to smooth out that fluctuation to get to the real figure? I mean the most accurate figure for the number of people entitled to vote, so that boundaries can be calculated.

Dr Wilks-Heeg: One thing that we could potentially do under the new system—it goes back to something we were discussing earlier—is this. If EROs do get very good at identifying people who, they think, would clearly be eligible to be on the register, but they are going to them and those people are saying, “It is my choice, I choose not to register,” we should then have some data about the difference between how many eligible voters the ERO thinks there are in that area and how many are actually registered. How reliable those data would be and what kind of checks we would have to do on their quality and so on, I do not know, but I would imagine we should be able to get that type of information under the new system, if the system is operating properly.

Q51 Mrs Laing: Will the results of the census help in that way? Is there sufficient information in the census to allow an assessment to be made of the number of people who are eligible to vote in a particular district?

Dr Wilks-Heeg: Yes, with some limitations. The census-based estimates of the accuracy and completeness of the registers are really the gold standard, and that is the one we are all waiting for. I do not think that work is under way yet. It is certainly going to be done, but it will not be available for at least another year or two, as I understand it. That will tell us a great deal, and it will enable us to go back and compare to 2001, in particular, and the change over that period. The issue, of course, with the census—and we will have to wait and see—is that we do not know what the response rate to the census will have been. Many of the people who do not register to vote also do not respond to the census, so we have that limitation. The other limitation is that it is just a one-off snapshot—a very good one, but it tells you the situation every 10 years, so we cannot use it in the interim in any particularly useful way.

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Mrs Laing: That is very helpful, thank you. We will obviously have to come back to this subject in a couple of years' time when we have more data.

Q52 Chair: Just a tangent about people being put off maintaining registration: we have looked briefly at the turnouts and the voting patterns in mayoral elections, where the ballot paper is different from the standard one used in general elections. The number of votes disqualified—I think colleagues around the table can probably remember their own—tends to be 20, 30 or whatever, whereas in the mayoral elections, because of the way the legislation is framed, returning officers have greater discretion to rule out votes and decide that they are miscast. In some cases, it is over 1,000 votes, which comes as a shock to Members of Parliament. If this gets out and about, will this not be an additional thing to put people off continuing to register?

Dr Wilks-Heeg: If it gets out that there is a chance that your ballot might be disregarded?

Chair: That you have to get it right, otherwise your vote will not count, and that the underlying principle in law—that, providing there is a reasonable judgment about who the individual wanted to vote for, it should be counted—is, in the mayoral elections, set aside.

Dr Wilks-Heeg: It is an interesting question. It is not just mayoral elections. Presumably, you mean mayoral elections in any local authority outside of London.

Chair: Yes, because the ballot paper is of a different description and layout.

Dr Wilks-Heeg: Yes, both types of them. We have seen it with GLA elections—a very high rate of rejected ballots. Famously, of course, we saw it in the Scottish elections in 2007, so we know that this can happen. We know some of the reasons why it happens. We also know that it is more likely to happen with voters from deprived communities, as opposed to ones from affluent communities. There are issues about ballot paper design, elections that combine different types of election on the same day, and so on. I do not think that we know very much about whether it puts people off voting because they fear that their ballot might be rejected. I think that might be difficult to research, but I do not know if Roger has any insights.

Dr Mortimore: Nothing specific on that. It is very clear on the wider basis; anything that shakes the public's belief in the integrity of the system, or their trust in the system, is going to, at least in the margins, reduce their determination to vote. We do not know how much it will affect it. That is not discounting ballot papers. Absolutely everything across the whole thing we are considering, including this very question of changing to individual registration, will in one direction maybe increase people's confidence in the accuracy and integrity of the register, but at the other end it will shake some people, who will say, "Why do we have to do this? Does that mean we have a problem?"

Q53 Chair: The power previously, with regard to what was or was not a valid vote, lay with candidates gathering round and having a look and, I think, by and large in my experience, being pretty open and honest about that. That power has moved in the mayoral

elections to the returning officer. Perhaps the bigger question is that we all—particularly this Committee—want to be extremely fierce and tough about any dealings with the ballot box that are anything less than 100% legitimate, and we are very strong on electoral fraud. However, there has to be a balance and, in designing technical rules that can be interpreted by other people, we are actually in danger, if we get the balance wrong, of putting off thousands and possibly millions of people for the sake of a handful of cases of electoral fraud in recent history, so it is a slightly bigger principle I am opening up for you at the moment.

Dr Wilks-Heeg: I think Roger is right. Some of these things do shake people's confidence in the system. If we look at the actual evidence, for example of fraud, when there are big cases in the news, such as the Birmingham one in 2004/2005, when we look at public perceptions of fraud immediately after that, we see it shooting up, and people think that fraud is absolutely rife everywhere, more or less, and then it drops again as the cases become less prominent. Likewise, the scenes that we had at some of the polling stations in 2010, with people queuing up not being able to vote, are the kind of thing that would shake people's confidence. It is very important that that is addressed, and I think it is being addressed by the Electoral Commission and Returning Officers. Likewise, there is another one, if you want to add things that are concerning: some recent elections—particularly by-elections, funnily enough—have seen a very high rate of rejection of postal ballots after the verification process. Again, for people voting by post, there is the idea that your ballot might be rejected because your signature does not match; there are cases where the dates of birth do not match, but it is clearly the same person who gave their original date of birth and then filled it in later on, which is slightly inexplicable. These are genuine issues. As I understand it, Returning Officers can exercise quite a lot of discretion if there is no match with the personal identifiers about whether that person really is the person who submitted the application or not.

Chair: This may be an issue that the Committee can return to at some point in the future.

Q54 Mr Turner: What will be the impact of the provision to allow people who do not want to be registered to opt out of being chased for a period of time?

Dr Wilks-Heeg: As I understand it, we discussed that in some detail, actually, unless I am misinterpreting your question. We think—or I think, certainly—that there would be a risk of depressing registration levels because of the shift to it being a matter of choice, but also, and I think that is the additional point in your question, that—

Chair: This specific question was not asked, but you had a general debate, I understand.

Dr Wilks-Heeg: Yes. People will be, as you say, entitled not to be chased for a period. I think that again is another factor that could lead to registration levels being depressed.

Q55 Mr Turner: How long is that period?

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Dr Wilks-Heeg: At the risk of using a phrase that I knew I would eventually, I can't recall from the White Paper, but I do remember that when I read it, I noted that there was such a period, and it did concern me slightly that that would apply.

Chair: A last one from Eleanor, then Chris, and then I will wind up.

Q56 Mrs Laing: Just a very quick one on this issue. Is it not the case that there are data-matching pilots being carried out at the moment? We have this morning asked questions from various angles about the potential discrepancy between the accuracy of the register, the comprehensiveness of the register, and so on, but are we not a little premature in looking at these issues, because we do not know the results of the data-matching pilots? Do you think that some of the issues that we have looked at this morning might become clearer once we know the results of those data-matching pilots?

Dr Wilks-Heeg: Roger will probably want to say more on this, but in my view the data-matching pilots are extremely important and the information we will get from that will tell us a lot. They will tell us a lot about how effective that exercise will be. There is clearly a risk that it will be particularly hard to get anything from the hard-to-register groups—any information about them from any of the sources—and at the end of it, they will still be reluctant to register anyway. Those pilots will give us a very clear indication of what we might be able to achieve through those. Part of that, though, when that is actually implemented in full, will depend on the ERO, how competent they are and how willing they are to go through all of the various steps that will be required to make it as effective as possible. But the potential is clearly there, and that is why the pilots are so significant.

Mrs Laing: Then the willingness of the ERO raises another question. Should the Electoral Commission have the power to require EROs to behave in a universal way throughout the country in dealing with these matters, rather than leaving it up to the willingness of the ERO? Perhaps that is not a question that we can really expect you to answer, but I will leave the question hanging in the air, Mr Chairman.

Chair: For other witnesses, I think that will be a very helpful one, Eleanor.

Q57 Mr Chope: One of the experiences I had during the last general election was of the number of people who were on the register but who, according to their own admission, in an honest constituency like Christchurch, were not entitled to vote. A lot of people do not understand that you have to be a British citizen to be able to vote at a parliamentary election. What concerns me is that moving away from a system of having signatures to one of National Insurance numbers and dates of birth may add to the confusion, because non-British citizens have National Insurance numbers and dates of birth. Surely what we should be looking for, in individual voter registration, is a signed certificate or statement by that person applying for individual voter registration that they are entitled to vote in this country, that they are a British citizen or, in the case of local elections, an EU citizen, and under

the existing household arrangements you sign it at the bottom and you say that this is true.

Under the proposals, we are moving away from signatures completely, so that all that is going to have to happen is that you give your National Insurance number and your date of birth, but surely we are going to need people to sign these forms to say, under their own signature, that the contents of the forms are true. If that is correct, then surely the signature is going to be fundamental to the signing of the form in the first place, so why can't the signature be a part of the identifier, which is what we thought it was going to be originally?

Dr Wilks-Heeg: I think there are many elements to that question, but it is an important one. I have not seen what a form will look like yet for individual registration. I assume that it will require some kind of signature on it somewhere. I think the distinction that we are making is that that signature will not be collected as a personal identifier, which will then be subsequently kept and cross-checked and so on. I think there are good reasons for that because of the problems we know about with people's signatures. They do not stay the same and it is hard to verify them, and so on. I would be surprised if the form does not have a signature but, not having seen one, I cannot say. I would also expect it to make it pretty clear on the form who was eligible to vote and so on. I would expect that to all be retained.

Of course, none of that would actually prevent somebody who is not eligible to vote from signing it anyway and saying they are, and so on, and we do not know the degree to which that happens. On the research evidence we have from surveys and so on, it is not very big actually, but there are obviously all these cases that we pick up anecdotally of people who are registered when they should not be and, indeed, people who end up voting when they should not be entitled to, but I think it is probably marginal at this stage.

Chair: Thank you very much.

Mr Chope: Chair, can I just ask—

Chair: Briefly, if you would.

Q58 Mr Chope: Yes. My very first set of questions was about the gap between 2013 and 2015, and you accepted that people who are on the register in 2013 as part of the household could go to the polling stations in 2015, on the basis of that register rolled over, without the need for any personal identifier. Do you think there is some scope for requiring the people who are not individually registered in time for the 2015 election to have to go to the polling station with a personal identifier—for example, a passport or something like that—as a substitute for the individual not having the individual voter registration, in order to meet the concerns that are at the heart of all this about voter fraud?

Dr Wilks-Heeg: It could be done. I fear it might be a sledgehammer to crack a nut. On the amount of fraud at polling stations, we have no idea how much there

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might be, but the evidence we have suggests it is fairly small. My concern would be that it could actually replicate the kind of situations of chaos at polling stations, with lots of people turning up without their ID because they had not realised because it is a new thing, and so on. In adding that additional element to what is already going to be a quite complex transition to a new electoral registration system, I would imagine that the risks of that would outweigh the benefits, personally, but it could be done.

In the absence of the Chair, Mrs Laing was called to the Chair.

Q59 Mr Chope: Just a final question: do you not think there is danger that you are almost too sophisticated about this? I go and look at lots of elections in other parts of the world as a member of the Council of Europe Parliamentary Assembly. There, it is absolutely fundamental that people go to the polling station and they sign and their signature is checked against the registration. Why is that so beyond us in the United Kingdom?

Dr Wilks-Heeg: I am not sure it is beyond us. We have had, historically, a trust-based system, and in recent years there have been more and more doubts raised about whether that trust-based system continues to be viable. Electoral observers who have come here from overseas, and so on, constantly raise these points. They ask, "Why don't you have indelible ink and all the rest of it? Why don't you have any ID?". If we were seriously concerned that there was a significant amount of fraud being committed at polling stations, I think that is something we should seriously look at. I think that was certainly the case in Northern Ireland. There was evidence of personation at polling stations, and that is why it was important to introduce the ID requirement for people voting at polling stations in Northern Ireland. I have not seen significant evidence of that being a problem in Great Britain now. I would revisit my opinion if I was presented with that evidence that impersonation was a large-scale problem.

Dr Mortimore: I think clearly there is no practical problem with introducing that sort of system. It would work perfectly well and the public often tell us that they are surprised that we do not have any requirement to prove their identity. The problem is just in the transition. The first election when this is required and people don't know it is going to cause problems. If we are talking about people who want to be on the electoral register but are incapable of filling out the form correctly in 2013 or 2014, is the message going to be got across to them that, therefore, you must bring your passport in 2015? I think clearly the answer is no, in many cases it is not.

Q60 Mrs Laing (in the Chair): One final quick question, on which you can express an opinion if you would care to, because we have touched upon this. Should it be compulsory to register to vote, as it is at the moment? Should that requirement remain in law?

Dr Wilks-Heeg: Yes, in my view, we should maintain the current presumption that it is a legal requirement to register to vote.

Q61 Mrs Laing (in the Chair): Roger?

Dr Mortimore: That is also my opinion. I think we should.

Mrs Laing: Thank you. I can see nods around the Committee as well, because of course the Government are out to consultation on this. It is a White Paper, not a Bill.

Tristram Hunt: We know how open they are to a Bill.

Mrs Laing: I just wanted to gauge opinion on that, and that is very helpful. Thank you both very much indeed for giving us so much time this morning. The Chairman, Graham Allen, apologises once again. He has had to go back into the Chamber but, on behalf of the Committee, thank you very much indeed for being here this morning. There were several questions left open-ended. I hope you will come back to us in due course so we can continue this consideration. Thank you very much.

Tuesday 13 September 2011

Members present:

Mr Graham Allen (Chair)

Sheila Gilmore
Andrew Griffiths
Mrs Eleanor Laing

Mr Andrew Turner
Stephen Williams

Examination of Witnesses

Witnesses: **Louise Stamp**, Electoral Services Manager, London Borough of Tower Hamlets, **Julian Bassham**, Electoral Services Manager, London Borough of Southwark, and **Darren Whitney**, Democratic Services Manager, Stratford-on-Avon District Council, gave evidence.

Q62 Chair: Louise, Julian, Darren, welcome. We are very grateful for you sparing the time to come and talk to us this morning. You will find us very friendly, and we want to try and pick your brains as best we can to help us get our report together and do something that hopefully you will find useful.

Would you like to say anything to start us off about your experience so far, or a little bit of an opening statement?

Louise Stamp: We have not prepared anything but it is very, very labour intensive, doing data matching.

Chair: I don't know if it is the room but I cannot quite hear very well, Louise. I am sorry.

Louise Stamp: I was going to say, for all of us—we have had a chat about it—it is very, very labour intensive to get this done, because initially the data matching wasn't very good. DWP has people-based data, so the amount of mismatches meant it was an onerous task to get it into some sort of form that we could work with, and then it was all delayed for a few weeks because of all the Article 4 agreements that had to be made. Then, when we started, the annual canvass was upon us, and it is a very, very onerous task to do during an annual canvass. I think that applies to all of us.

Q63 Chair: That applies to everybody, yes. Is it just me having a bad morning or are the acoustics in here really terrible?

Mr Turner: There is something wrong.

Louise Stamp: Shall we shout?

Chair: I think you do need to, yes. We are normally not in this old room; we are in the very nice, modern, probably acoustically trained room, so it is just echoing a little bit.

Mrs Laing: Are the microphones working?

Chair: They are. We don't want to play with them, Eleanor. We will leave the electrics alone.

Mrs Laing: Question withdrawn, sir.

Chair: Anyway, welcome.

Q64 Mr Turner: Yes, would you just start by telling me how much of this extra work is because you are doing something new, and what would you be doing normally which in the fullness of time you hope you would not be doing?

Louise Stamp: We do a lot of initiatives, we go to our citizenship ceremonies, and we go out and we talk to our ethnic groups as well, because my borough is made up of about 38% Bengali. Two of the officers

who work for me are Bengali, so that is a really good interaction. What we would normally be doing is our normal outreach work during the rolling registration period, but this is in addition to that, and I have recruited four people to help, because we are getting behind with our annual canvass.

Q65 Mr Turner: So you have four extra people, but how many are there normally?

Louise Stamp: Six in my team—myself and five others.

Mr Turner: Okay.

Darren Whitney: Being a small district, elections aren't the only thing I deal with. I am Democratic Services Manager, so I have committees, overview and scrutiny as well under myself—I have that as a day-to-day job. I have one other person who helps me on electoral registration, so I am quite stretched in what I can do and with the help I can get. I have had two, sometimes three, areas of help from our central admin team to help us through this period, but again we are doing all sorts of different things. We do outreach work as well, which we work on with our policy team, usually in schools and for older people—we have a senior citizens action network that we go and do electoral outreach work with.

Julian Bassham: It depends quite a lot on the type of local authority you are, and there is different practice across the country at the moment. But there is certainly a case for us with regard to this data matching; we did some in-house data matching in our authority previously, to help identify movers and changes within year to the electoral register. This is quite a significant shift in the amount of resources that are targeted towards that element of it, as opposed to what would traditionally have gone into more of the annual canvass work. What we are trying to work through still at the moment is what of the new work from data matching duplicates existing practice in some authorities, including our own, in terms of tracking down those movers, and what we will identify as additional new work on an ongoing basis. At the moment it is still too early to say what that will be, because that will depend on what the results are, as to whether it has delivered genuine new people who would not be captured through other mechanisms, such as the annual canvass which we are going to have to compare it against, because of the timing of this pilot, rather than just saying it has identified certain people.

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Q66 Mr Turner: Okay. How successful have the data matching pilots been so far?

Julian Bassham: I think it depends on your measure of success. It is far too early to say how successful the data matching has been in identifying the 3.5 million missing electors. It has been successful inasmuch as they have by and large started and happened, but with a couple of exceptions still. It has been more successful for us at this stage in telling us what we do know rather than what we don't know, and that is the challenge, because going forward under IER it is about what we don't know and tracking those missing millions. At the moment it does not look, from our side, like the DWP data will necessarily answer those questions.

Louise Stamp: We have identified a lot of people in the DWP data who have already moved, so we won't just write out to them, and in the initial data that we received we found 174 people who were over 111 years old. We cannot write out to everybody, so we asked for a currency of two years, and that reduced the numbers by about 200,000 in my authority, because we are doing full borough. We are all doing slightly different pilots, and mine is full borough. In the matching process, before we started our annual canvass we had about 494 new people identified, but we could only write out to them if I confirmed that they were on council tax and still living at that property. Because we are quite a deprived borough, we would have been inundated, with people saying, "Why are you writing out to people when we've told you they've moved?" We have to be very careful with the approach we take.

Q67 Mrs Laing: I am not quite sure what you said at the beginning there. I thought you said you had discovered a certain number of people over 100 years old?

Louise Stamp: 174 people over 111 years old.

Q68 Mrs Laing: You found 174 people—

Louise Stamp: In the DWP data that came through they identified data for us—it didn't match any of our addresses, so we did a filter sort—174 people over 111 years old, and the Cabinet Office approach was, "Mailmerge and write out to them." We are not going to write out to people over 111 years old.

Q69 Mrs Laing: Were there really that many people over 111?

Louise Stamp: No, no, they had all died or moved years ago.

Q70 Mrs Laing: They were still on the register?

Louise Stamp: No, they were not on the register, they were on DWP data—they keep their data for years.

Julian Bassham: If I can just clarify, both Tower Hamlets and Southwark did a pilot, so we were the first authorities to exchange data with the DWP. In that exercise it was identified that while we had requested a currency—the currency of the data, how recent the record was—of two years, that had not been the case. We identified that as not being the case by having people that were clearly dead turning up in the data.

Q71 Mrs Laing: Sorry, I interrupted, but this is quite important. The DWP had people on their data who they regard as part of the population and living in your area, so that shows up in other population statistics, but those people have in fact died some time ago?

Julian Bassham: I think it would be really valuable for you to speak to the DWP about their data set. What we can say from our knowledge of the data set is that the CIS part of the DWP data, which is what we used for the matching exercise with them, is a repository data set. So they simply add information into that process all the time and they keep it for a period of time. While there is a process by which deaths are captured in the DWP data, that process does not work if the person has moved overseas and dies abroad, for example. That is one of the reasons why we are having these records turning up.

Q72 Mrs Laing: That also means that if someone has moved overseas that is also not recorded?

Julian Bassham: That is correct.

Mrs Laing: Thank you.

Darren Whitney: With our pilot, instead of taking an area, we took several streams from our electoral register: those who are over 70, so they are no longer eligible for jury service; those who are attaining franchise, so they are 18 within the life of the register; and service voters. From the MoD we have received no information whatsoever as such. We are promised it this week, so we are still waiting for that. On the other two, we have found that a lot of people have not been marking that they are over 70 on the register, so we have had to write out to quite a few of those, and again we are finding that there are a number that are deceased. It can be quite awkward once we have sent a letter out to them to find out that they have already informed people that they are deceased.

Julian Bassham: What we are finding at the moment is that because of the type of data that the DWP holds we do have deaths, movers and non-eligible nationalities included in the information that comes back to us. In terms of the deaths and movers what we do not know yet, particularly with the deaths, is whether the information is because a change has occurred between the data transfer date and us starting to write out—and we will know that at the end of the pilot—or whether it is because there is a problem with the source data.

Darren Whitney: We have found with the 18-year-olds that it has been considerably easier to match the data, because we hold a date of birth as well, so we have been able to match dates of birth with the DWP data, so we are getting a more accurate measure from that set of data.

Chair: Andrew, we will come back to you. If I could just remind colleagues, we have a lot of witnesses this morning—this is not addressed to you, Andrew—so can we keep the questions and answers fairly sharp? Are you finished, Andrew?

Mr Turner: Yes.

Chair: All right. Was there somebody else who wanted to come in on this? Eleanor, did you have anything?

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Q73 Mrs Laing: If I may. Sorry, I didn't want to interrupt Andrew in taking forward his point, because I think we are uncovering something of some importance here. I realise this is a subjective question, but have you been surprised at some of the things that you have discovered in doing the data matching? Has anything occurred that you did not expect?

Louise Stamp: I think the way the data was presented was a problem to us, because it is shown as multiple lines. DWP runs a people database, and they manually input addresses for people, while ours is a property database and we add the people, so it is a totally different way of matching data.

Q74 Mrs Laing: That is quite interesting. So you are working primarily with properties, whereas the DWP has people, and you are trying to find a way of matching the person to the property?

Louise Stamp: You might have little anomalies like "Rd" for Road, "Wy" for Way, in their data set. We have the correct—

Darren Whitney: We map to the National Gazetteer.

Julian Bassham: In terms of surprises, was it the fact that they have non-eligible nationality, was it the fact that they have people over a certain age who might be dead, and do they have movers on the data, was that a surprise to us? No. That was the limitation that we were aware of with the data set going into it. What has surprised me is that because it is not a property-based data set there is an inconsistency in the way in which the addresses are recorded. As a data set, we would have a certain standard, there are national standards in how addresses should be recorded. The discrepancy with that makes the data matching process much more difficult. In our case, for example, what we are doing taking forward the pilot is based on 75% of the data that came back, because we could not match to the property the 25%, because of the way the properties were held.

Q75 Mrs Laing: You could not match the property with—

Julian Bassham: With our property data, so that we have somewhere to write to.

Mrs Laing: Right. We have some sympathy with that, because we are, unusually, people who are used to going knocking on doors, looking for people, encouraging them to vote. So often you have on the electoral register, "43 Smith Street", and in fact there is no 43 but there is something called "Green Firs", or there is a block of flats which should have eight people, but in fact it doesn't—we are used to seeing that, so we understand that.

Darren Whitney: We have found it incredibly complex because we are a mainly rural area in Stratford-on-Avon, so we have a lot of named properties. It could be that the person there or the person before has changed the property name and not identified it. Matching properties in rural areas has been quite difficult.

Q76 Stephen Williams: Chair, could I ask the three witnesses, what has been your normal practice in your district each September or October? Have you been

used to going out and rebuilding the register every year?

Julian Bassham: I will start, because in the case of Southwark we do for the annual canvass the process where we rebuild the registry key. In fact we send out two letters, an initial letter and a reminder, to try and track people down. We then do some internal data matching to confirm people's registration where possible against our council tax records, and then we have to do a follow-up exercise to visit properties to try and encourage people to be on the register. What we are looking at in our case as an inner London authority is that less than 50% of people will respond when that information is requested by post, and it is only when you have people knocking on people's doors with more information, encouraging them to register, be it for voting or for credit reference purposes, that people then come on to the register. It is a battle, and when we say September or October we have to start in August and run all the way through to the end of November to achieve our response rate of properties of 92%.

Louise Stamp: We are totally different, because the way that the borough is made up with ethnic minorities, we have to personal canvass on stage one and stage two, so we have personal visits for two stages. That lasts for 10 weeks and we normally get back probably a 50% or 55% return. Then we get out reminders—

Q77 Stephen Williams: Is that from the paper, sorry, or from the door knocking?

Louise Stamp: From the door knocking. It sometimes goes up to 65% on that, the two stages of people door knocking. That is the only way people respond. Then we have Canary Wharf with all the banks, and the banks own lots of the business flat properties, big dwellings. They rent them out for two or three weeks, and no one responds from those; and we have 12,000 gated properties where you just physically cannot get in—the concierge won't let them in. So they are the ones that are posted out—that will bring back some. They will literally say to the canvassers, "It's no use you trying because we're paid to keep you out,"—so they won't let them in.

Chair: We know the feeling.

Q78 Stephen Williams: Anyone who represents a city centre, as I do, will know that feeling, when you are trying to give people leaflets and they say, "You only come at election times."

Louise Stamp: Then we send our final reminder out and we are very, very lucky if we get 84% return, which is really quite annoying when we have done so much hard work to get people to register.

Q79 Stephen Williams: What was that final figure, sorry?

Louise Stamp: About 84%.

Q80 Stephen Williams: 84%, after the leaflet drop, the letters, the knocking on the doors?

Julian Bassham: All of these are household returns rather than necessarily a measure of accuracy or

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completeness in terms of people registering as would be the case under IER.

Darren Whitney: We are more like Julian in that we send out two letters, usually mid- to late August, then a reminder at the beginning of October. We then send out our canvassers to do a personal canvass on those that have not returned, and eventually we send them a letter, saying, if it is over two years, “You are being taken off the register, but here is a form if you want to re-register.” We have a reasonable return: after doing all our checks with council tax and so on, we finally get between 95% and 96%.

Q81 Stephen Williams: That is sort of what I was expecting in terms of the range, but leaving aside the big change you are going to have with individual registration, if in 2014 with the current system you were not to do the letter drops and door knocking, your annual canvass, what state would you expect the register to be in by 2015?

Louise Stamp: We get 60% movements in our annual canvass period, so that is a massive churn, and then people changing their names because they have got married. None of this is a normal function for people to tell us—it is not like if you move you change your gas and change your electric, it is not a normal thing to register or to give new information, and we capture a good 60% during the annual canvass period which updates the register for us.

Q82 Stephen Williams: So if you were not doing an annual canvass in 2014, what percentage of households do you think would be still registered?

Louise Stamp: They would still be registered because they just remain on the register, but it would be very, very out of date. It would be very old information. Each month during the rolling registration period we probably get about 1,500 people going on each month, but we still get that 60% churn in the annual canvass period as well.

Julian Bassham: Just to follow on from what Louise is saying there, when you look at the changes through the year, for example, in Southwark there is an in-touch process where if somebody contacts the authority to say they have moved in, they get a registration form. The response rate to that is between 10% and 30% so we know that in any given month we are missing 70% to 90% of movers not joining the electoral roll. They wait until the annual canvass. If they continue to wait until the annual canvass and there is no annual canvass, then obviously that, coupled with a high population churn—not as high as Louise’s but around 30% to 40%—we could well be looking at a significant under-representation on the register of the eligible population of Southwark.

Darren Whitney: Again, our population change is not huge within Stratford—it is pretty constant. Our problem is not a transient population, but with quite an ageing population, we have to deal with people being deceased, and we have a large holiday home population, so we have to deal with those changing holiday homes within that register.

Q83 Stephen Williams: So even in a very stable, homogenous area, in demographic terms, there would

still be significant detriment to the register by not doing the canvass in 2014?

Darren Whitney: Yes.

Louise Stamp: When it comes to an election time, the 11-day registration period would be unmanageable. Before a local election we get about 8,000 people trying to register. If we did not do an annual canvass I could not even think what that number would be. It would be unmanageable, because everyone would realise they are not registered and then all the forms would come in, and like yourselves, who go and canvass during that period—we get too many people trying to register.

Q84 Stephen Williams: I think, Chairman, there is a society of electoral registration officers, some sort of association or union or whatever. What do you think is the view of your professional peer group about not doing a canvass in 2014?

Louise Stamp: Probably the same as ours. They will listen to us, because they are there to represent us.

Julian Bassham: It does depend on the part of the country that you are in, and it depends on the demographics of the area. It is not one size fits all. In those areas with a high population churn, in the absence of an annual canvass, could data matching—with, for us, the DWP, but with other data sets—tell us who we are missing, to write out to, to invite to register under IER, for example? Early indications for us is that, considering what other data there is, they are probably not terribly accurate and we would not be capturing all of them or as many as we would capture now in the invite. That is not to say that they would then respond to the invite and then come on to the register at that stage.

Q85 Stephen Williams: I have been asking those questions, Chairman, in the context of the current situation of household registration. As a final question, given that we are moving to individual registration, do you think the absence of a canvass in 2014 means that the integrity of the register in 2015 will be even worse than if we were maintaining the existing situation?

Julian Bassham: The current proposals have the safeguard of using or extending the two-year rule, so that there is carryover, so that anybody who is eligible and already on the register will be eligible still in 2015 for the general election. The problem is going to emerge after 2015 when, as an urban inner London authority, we will see a significant fall-off in the register. It is going to be post-2015, going forward to the next boundary review, which will come up in the meantime—the next polling district review that will come up before 2020—and that will be the big problem year for the register, unless we find a mechanism, and our experience so far with data matching is that I don’t think the matching with DWP will be that mechanism, of capturing and encouraging those people to register under IER.

Darren Whitney: I think it will depend on what we are matching. I don’t think what we have been matching so far with the DWP would cover what we need. It depends on what identifiers are going to be

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used to check. As we have said, the addresses just are not good enough to match on that.

Q86 Chair: Just a quick one from me. Do you currently feel you have the resources to do this data matching process effectively, and do you feel that you are likely to get those in the future?

Julian Bassham: Speaking for my authority, we are very lucky in that we have an excellent LLPG—Local Land and Property Gazetteer—custodian who has done a huge amount of work and has a great deal of data matching knowledge, so through his skills of having improved us on that level we have been able to use that tool and tap into those resources. Going forward, the structure of electoral services offices and support in the ERO will have to change because the sort of work that we will be doing will be significantly different than what it has been in the past. Gone are the days of the gangmaster driving the team of canvassers to bang on as many doors as possible and get a result, and in comes a much different level of skills around data matching and examining IT systems and so on.

Louise Stamp: I think that is exactly right. We will need a lot more technical staff who can manage all the data matching, rather than, as now, staff experienced in elections and electoral law. It will be more having a separate group in the team who will deal with the technical aspects.

Q87 Chair: Darren, you only had 50% return on your first run?

Darren Whitney: No, we had a good return on ours. We had a lack of staff, though, and I had problems getting canvassers, and I will have problems getting canvassers later in this year, I know. It is a situation I can only see getting worse. I am not getting any extra resource for what we do.

Julian Bassham: The resource issue is in the context of that some of us are pilot authorities, because we knew we had certain local skill sets that we could tap into, not necessarily within our direct teams. In the context of the reduction in local government spending generally, considering whether those resources would be available going forward and what resources would be required to do the process as currently envisaged, I don't think we are anywhere near where we need to be.

Q88 Sheila Gilmore: Just a very quick question. I certainly know in my constituency where the problem areas are: go down a street of terraced houses, and everybody is on the register; go elsewhere, and hardly anybody is. Do you think the data matching exercise is worth the effort, or would it be better to target the areas that we all know are under-registered?

Julian Bassham: For me the one area where data matching with the DWP gives a ray of hope in terms of stopping a significant drop-off in the register, is that while there are problems with the matching, what we can say is that of those currently on the register we could match 50%, and in some areas it could be as high as 90%. Therefore if there was some sort of passive transfer of their details, so their NI number and date of birth came across from the DWP, and

those people were moved over to IER, then resources could be much better targeted at those areas that we know are a problem. That is not the settled population, it is not the terraced house, but it is the high churn population in the flats, the BME groups that don't respond, the youth groups that don't respond. If we were able to look at some sort of passive transfer over to IER for those voters, we could have a much better targeting of resources on those problem areas.

Q89 Mrs Laing: Have you been able to make an initial assessment, however difficult that might be, between the population you identify through your data matching exercise and the people who are eligible to vote? Presumably they are not the same numbers. Have you any idea of the percentage of the people who are physically there in the area who are eligible to vote?

Louise Stamp: Just in 2,700 matches we captured 76 people we knew were foreign nationals. Some Chinese people work for the Chinese banks in the City, for example, and lots of Americans come over and work in the City, and they are all short-term, so we know those properties are always populated by foreign nationals—not eligible.

Julian Bassham: In terms of the nationality eligibility criteria, it is important to say that the ERO does not retain the nationality for people that are not on the register. Therefore the only way we can do this is by physically looking at forms for previous years, and it is only where those people have given that information and signed a form saying that they do not want to vote that we would have it at all.

Q90 Mrs Laing: Why do you not retain it?

Julian Bassham: We have no need to. It would be disproportionate for the purposes of the electoral register. The electoral register is there for the people who have registered, not for those who should not be on the register. However, even given that very, very small self-selecting group, on the missing electors that we received back from DWP we can say that in our case between 4% and 6% are definitely non-qualifying nationals in that information.

Louise Stamp: If DWP had nationality that would have made our life a lot easier, because we would have just filtered those out, all the nationalities not eligible.

Q91 Mrs Laing: But the DWP do not have nationality?

Louise Stamp: No.

Julian Bassham: As far as we are aware, no.

Darren Whitney: We did not get the information, anyway, on that. We have a small percentage of voters that we can check via council tax records, and information has come up through that and through our checking through benefits, when we write to them we get no response electoral-wise, so we realise that there are a percentage of people not registering.

Q92 Mrs Laing: Can I just follow up on that last one? I am aware of the time, but what you are telling us is so interesting. Have you come across a reluctance on the part of people to register, a really

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positive—well, I will not emulate the language, “Go away, I am not the least bit interested”?

Darren Whitney: Yes, until they want a mobile phone or a loan or something like that. Then we get a call saying, “Can I get on the electoral register?”

Louise Stamp: We send summonses out to around 75 or 80 people every year, and two years ago we fined five people £365 each for not registering or refusing to provide information, and this year seven people went to court. Two were repeat offenders, so the others were fined £365 and those two were fined £465, and they still repeat offend and don’t register.

Julian Bassham: It is quite a blunt characteristic, but basically 50% to 60% is the maximum turnout that we achieved recently in Southwark, 50% to 60% of people register via the post without being banged on the door and chased down. So 30%-odd of people who eventually we get registered are not really interested, they only go on for credit purposes and because we are going to fine them.

Q93 Chair: Okay, one last one from me, perhaps to Louise. I think everyone on this side of the table has had the experience of knocking on the door, a lady comes to the door and you talk about whatever politics you want to talk about, and they say, “I don’t do that, that’s my husband.” In my experience 30 years ago in Tower Hamlets, that had a nuanced effect with the Bangladeshi community where the wife would always push the husband to the door. Is this going to have a significant impact in terms of registration, because we will be collectively writing to five people in the household individually, rather than the head of the household, which some cultures take very, very seriously?

Louise Stamp: Without a doubt that is going to have a major effect. It is still the head of household that the woman will pass the forms to, and in voting, in polling stations, we have to provide training on personation, and it will be the head of the household who takes each of his members of the family into the booths and we have to ask him to leave, because they are not allowed to influence the vote. That is a major, major problem. Everything has to be provided in Bengali in all our polling stations. Everything about the guidance is all translated in Bengali, so it is going to be a major problem.

Darren Whitney: Our canvass forms go in alphabetical order and we still get an issue with people changing the order on their canvass form because they are the head of household. That still occurs.

Julian Bassham: Leaving aside the cultural sensitivities for a moment, the fact that instead of getting one person in the house, be that the husband, be that the wife, who just does it because the form comes through, means you are massively increasing the number of compliant people that you expect. Because it is the compliant population that fill out forms and send them back, and if you are expecting one person for a household to do that, it is a very different thing to expect in some cases five people, and at the same time also providing additional information which will not be given out on the doorstep, such as the National Insurance number.

Chair: Julian, Louise and Darren, thank you very much indeed. That has been very informative. Thank you for coming along to help us this morning.

Examination of Witness

Witness: **Simon Woolley**, Director, Operation Black Vote, gave evidence.

Q94 Chair: Simon, welcome and thanks for giving us your time and hopefully your expertise to help inform the Committee as we do our report. Is there anything you want to say initially to kick us off?

Simon Woolley: Yes. Thank you very much.

Chair: Please do.

Simon Woolley: First and foremost, thank you for the invitation. I think that it is on one level very good timing, given the recent summer disturbances. I know some of you around this room know very well what I do as Director of Operation Black Vote. Our organisation began on the basis of voter registration. We started that, as a matter of fact, in no small measure as a response to a civil disturbance that occurred in Brixton in 1996 after the death of Wayne Douglas, so there are similarities in terms of the community response to alienation, frustration and civil disturbance. Following the disturbances that we saw over the summer, a group of individuals, church leaders and community activists have already engaged on a massive community level in a response to what occurred. Part of that response we hope will be the largest political empowerment programme ever seen

in this country. Key to that is political understanding and voter registration.

Our response is twofold: one, political empowerment, and two, economic enterprise. We feel that this twin-track approach will empower communities to believe that they have some better control over their lives.

When we began voter registration back in 1996 it was with the responsibility of the local authorities, and some local authorities encouraged us. We argued, “Look, don’t be angry, get involved.” We felt then, as we do now, that the bridge between alienation, anger and frustration is civic participation. It is not the only answer but it is a key aspect. In many respects we are following in the footsteps of Dr Martin Luther King, who did the same in the southern states of America. Some local authorities positively engage with us—Southwark, Haringey, Hackney, Leicester, Birmingham—and we did see very good improvement with those local authorities. Although they said their figures were relatively high we pointed out to them that of course although some of them were saying they are 80%, 90%, 95%, we argued that because one house was registered or one person in a house was registered, that was classed as 100%, but that does not

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even begin to tell what happens behind the doors. Our understanding was that there were a great number that were not registered.

Our approach was that you had to move away from that dry discourse of saying, "It's your duty to register to vote." We argued that you really had to give a fundamental and comprehensive reason why people ought to engage: because they want better schools, because they want decent homes, better health care, and being registered to vote will give them a voice. Not to ask politicians, like yourselves, but to demand—demand justice.

That message began to get through. The local authorities would say, "You are our partners, you go out and articulate why people should engage." We raised the numbers. In those early days, the national figures as articulated by researchers, such as Muhammad Anwar from Warwick University, were around 26% to 30% non-voter registration of black and minority ethnic communities. The largest in those groups were African, around about 40% but then there were Pakistani, Bangladeshi, Caribbean, all around 26% to 30% non-voter registration, in comparison to 6% from the white communities. That shows a massive gap in terms of alienation.

When we used to engage people on the door or in the street, people would say, "Look, why are we engaging in an institution that neither listens to us nor represents us?" At the time there were four black Members of Parliament, very few if any local authority leaders or chief executives. So the institutions look shockingly white, the policies that were coming out of this building and other buildings did not seem to work for us, with high levels of stop and search, as there are now, and our communities or too many of our communities remained anchored on the trajectory of social mobility, closing those gaps.

So our articulation was political. We have to be the architects of change, we have to get involved. We have to register to vote, we have to vote, we have to put our representatives up for selection and election.

I am not quite sure when it was, but when the Electoral Commission came about the responsibility for voter registration moved from local authorities to the Electoral Commission. That was a big and dramatic change for us, because no longer could we go to local authorities, willing local authorities, to be our partners. The Electoral Commission took responsibility and I would argue in those early days that they got advertising executives who had little or no understanding of what the challenges were and they were not successful in engaging in an effective way with the disenfranchisement of black communities.

Chair: May we ask a few follow-up questions, Simon?

Simon Woolley: Yes.

Q95 Andrew Griffiths: Thank you, Simon. Let us start with what do you feel is going to be the impact on the BME communities of individual voter registration?

Simon Woolley: Well, I am a democrat. Our organisation is based on democratic principles so we argue that this is a good idea in its purest form; that

each and every person should individually register to vote.

The challenge of course is that we have seen, we know, there is a monstrous gap between certain ethnic minority groups in civic participation, and so in those early days, and particularly if there is not the willingness to recognise the particular challenge, that would see an even greater drop of numbers of BME communities registered on the forms.

Q96 Andrew Griffiths: You fear that is what could be a consequence that you could face?

Simon Woolley: I think it is almost certain that that will happen. What we have to do is say, "Look, that is going to happen, we have to brace ourselves for that," but we must mitigate with particular actions to make sure that in the short, medium and long term we not only get it back to the level it is now, but we use it as a fantastic opportunity to raise the bar and ensure that many more people are on the register.

Q97 Andrew Griffiths: There are of course many reasons why people do not participate, why they do not register to vote. In your experience, Simon, if we are looking to try and find cause and then have an effect on that cause, how important do you think things such as confusion over the need to register, language issues, that type of issue versus the social demographics of the BME community—that they are younger, that they are more likely to be mobile and moving house, that they are more likely to rent—are, versus the cultural element? Are they suspicious of registering, or are they suspicious of the process?

Simon Woolley: Andrew, you make some good points and those three factors are all elements. However, the largest element, which you did not mention, is really the political education message that inspires people. You heard from the officials on local authorities—and we recognised this back in the day, so to speak—that people would want to go on the register for a mobile phone. Well, they did go on the register but they still wouldn't vote. This Committee surely must be focused on people engaging, and we have to make the case, "This is for the well-being of your family and your children and your children's children," and that is a tough call. That is a tough call particularly where people are saying, "Why bother?" Of course there are other factors: gender, socio-economic, certain cultural groups. We talked about the Bangladeshi community, and some in the African community need addressing too. We have to put it in the round, but really target and focus our energy on that key element that makes that political case for somebody making the step.

Q98 Andrew Griffiths: You made the distinction there between some of the ethnic groups, and we see for instance a big difference in participation among the Asian communities and the black African community. Why do you think that is?

Simon Woolley: Andrew, we have to be careful, because it is very easy to make sweeping statements about the Asian community and the African community. What we really mean are some communities within the Asian community, such as the Gujarati community and the Sikh community that find

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themselves in better socio-economic positions, rather than the Bangladeshi and the Pakistani community. I think that if you are looking at what are the distinguishing features, we see socioeconomics as part of that factor. There are some Muslim communities that are particularly poor but some leaders galvanise the vote because they see their representatives that will get elected and they participate. So it is complex. I think that the Committee needs the ability to articulate a nuanced discourse as to why some Asian groups register and some do not, why some Caribbeans do and some do not.

Q99 Mrs Laing: Do you also notice an age profile difference in the way in which people are inclined to register to vote or not?

Simon Woolley: Yes, we do. Old school Caribbeans that come with a particular mindset of Queen and country would go to the polling booths on bended knees, but second and third generation who felt the harsh effects of alienation say, "This country doesn't like us, doesn't want us, so why am I getting involved?" There is a generation split and we have to make a concerted effort. My son is six and I take him to the polling booth with me and it is just what him and his dad do, so an education programme that bridges the generations and gets this process as a normality is part of the answer.

Q100 Mrs Laing: Interesting that you mention an education process, because do you think that enough is being done in schools? We see far more, hundreds of times more, children going through this place every week, every month, than we did 10 or 15 years ago. The Houses of Parliament could function only for school parties if it had to, you get the impression, because there are so many of them. Is it working at all?

Simon Woolley: It is good. I have been involved in the Youth Parliament and spoken to some of those students. I guess what we have to ensure is that the school parties that come here are not the more affluent schools that you would expect with the kind of school trips here. We have to get to those schools that are really on what might be described as the margins, where some of their parents are engaging in surviving, not really on the front foot in terms of ensuring that their children come to Parliament. We have to get their children here too, inspire them, plant the seed, and hopefully we will not be in this chronic situation where you have to try and convince, if you like, a stropy 15-year-old that in a couple of years' time they will be eligible to register to vote.

Q101 Mrs Laing: Can I also take you back to your opening remarks, where I think it is really important what you said about the statistics showing that if one person is registered for a particular household under the current system then that of course is statistically 100% correct, because the person with responsibility has declared that he—and I am making an assumption here, which is the point of my question—is registered to vote so that is it? To what extent do you find it difficult to get women to stand up to the social

pressures around them not to make their own voice heard?

Simon Woolley: It is difficult but not impossible. It is not impossible when you have the resources to effectively engage, both with the men and the women, that they have a voice and that they have something valuable to say. Also with the so-called leaders, male leaders, to say, "You benefit from this because our community as a whole has a greater voice in terms of what schools and what health care we have." It is just about that face-to-face engagement that breaks down the barriers, with people often saying, "It can't be done"—it can.

Q102 Mrs Laing: By face-to-face engagement. There is a statistic upon which you might be able to comment that shows that where there is a woman candidate or women candidates in a constituency, women in the electorate are 4% more likely to vote.

Simon Woolley: I can give you another statistic, that when there is a BME candidate in a BME area those would-be voters are 25% more likely to vote, so we need more women in this House, we need more BME candidates male and female, particularly female, and people will feel that it belongs to all of us and not a few.

Mrs Laing: Thank you.

Q103 Chair: If there are no further questions, I have one last one, Simon. I am particularly taken by the sense in which—I should not put words in your mouth, as it is my view—our electoral process is very highly bureaucratised and we have lost a lot of the excitement and a lot of the interest that pioneers gave their lives for, to spread the franchise. That is one of the important things that I will take away, and I would like to see in our report ultimately, about how we bring that back to our electoral process.

I will be very specific with my last question, Simon. In terms of the technical side of these things, in terms of the stuff that electoral officers and others have to do and councils have to do, is there one that cries out to you at the top of your list that should happen to register more people, to get more people registered?

Simon Woolley: Clearly we all need safeguards and we cannot be reckless in our enthusiasm to get individuals on the register, but we must not make it overcomplicated. We really mustn't. Not only must we not make it overcomplicated, but as you suggested, Graham, we need to inspire: we need to inspire all those different sectors who feel powerless in having an effective voice to say, "Step one in this is registering to vote, and we as a nation want to ensure that you have the tools to hold you and these institutions to account." Don't forget, don't ever forget, that we need to inspire our communities to be positive, active, effective citizens.

Q104 Chair: I think as part of what I call the bureaucratisation of the electoral process we have paid far more attention to the unacceptable but nonetheless very tiny minority of abuses and personation and so on, whereas probably the bigger crime is the thousands and possibly millions of people who are

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disenfranchised because they are, in one way or another, distant from the process.

Simon Woolley: We have seen some data that suggested that 50% or 60% of Africans were not on the electoral register, and that to me is a crime, that so many people are without a voice.

Chair: We will try and help do something about that, and we will be able to move the process a few inches forward as we come together and write our report.

Simon, it has been fascinating, and thank you very much for your evidence today. Thank you so much.

Examination of Witness

Witness: **Cristina Sarb**, Public Policy Adviser, Scope, gave evidence.

Q105 Chair: Welcome, Cristina. How are you?

Cristina Sarb: Well, thank you.

Chair: Good to see you. We are all very friendly here, we are here to try and pick your brains, so don't worry about us. We are all trying to work together to create a better electoral system and we really need your help on that. Is there anything you would like to say, Cristina, to start us off?

Cristina Sarb: Definitely, I think at Scope we are very encouraged by the initiative to introduce electoral registration and we hope that as part of the process of changing the way in which we register the Government will also look closely at the way in which both the registration system as well as the wider voting system can be made more accessible to disabled people.

If I may I will just give a very, very brief overview of Scope's expertise in this area. Scope's Polls Apart campaign for accessible democracy has been working for the last two decades or so on the barriers that prevent disabled people from voting and from participating in elections. Our starting point in looking at the individual registration is that changing the system is right and individual registration provides a necessary step towards accessible elections. Things like electronic registration, help in registration, are all potential benefits for disabled people; things like fulfilling an individual's access needs through the registration process is again a potential benefit, so we do see great advantages from shifting to an individual electoral registration system. We are aware of potential challenges that may arise from the shift and we would be keen to ensure that both the transition to the individual electoral registration system as well as the IER system itself are successful as possible and with disabled people's needs in mind from the very beginning. So I will leave it for the moment at that.

Q106 Chair: Thank you, Cristina. Can I apologise to you for the acoustics in this room? They are really awful, and don't hesitate to ask Members to repeat their questions if you don't hear them properly.

Cristina Sarb: That is fine. I will try to speak up as well.

Q107 Sheila Gilmore: One of the proposals, the rollout of individual voter registration, will create the situation where anybody who wants a postal vote in the next general election, 2015, when it is really coming into force, would definitely have to go through the individual registration process, given that there has been a big expansion in postal voting, and it is one of the things which can particularly assist those with

physical disabilities to vote. Do you have concerns about this, and do you have a suggestion about how this could be addressed, because I am conscious that recently people have been quite used to getting a postal vote virtually automatically once they have applied for it, unless they tick the "One election only" box, but a lot of people have reached the stage of—and we are finding that on the doorsteps, I think—saying, "Oh, yes, I get a postal vote," and they will be anticipating it coming?

Cristina Sarb: Yes, definitely. I think we do. You are absolutely right and we do have significant concerns that people, disabled people, may lose their right to postal voting unless they register under the new system, and there are almost two issues involved there. There is a question of the extent to which disabled people would be informed of the fact that they do have to register individually to access postal voting through either the write up process or the reminder process, because we need to remember the scale of the change. There will be a lot of different aspects that will need to be communicated to voters, including disabled people, so we do have a concern that that may be lost among the many various things that people will need to be informed of.

I think you rightly picked up on the fact that postal voting provides an alternative for people who find going to a polling station inaccessible, and our Polls Apart research at the last general election found that there are still around two-thirds of polling stations that do have one or more serious access barriers for disabled people. So I think we are really concerned that unless people can access postal voting, that will end up disfranchising quite a significant proportion of disabled people.

I would say there is a question linked to the carryover as well because a situation may arise where someone responds to the request to register by individual registration but fails to successfully complete that registration if they are carried over and will not be informed of the fact that they have been carried forward and not registered on the basis of individual registration. They can reasonably expect to be getting a postal vote but will get to the stage where—because they haven't been told of that—they will not be able to vote by post, so that will happen and is important.

Q108 Sheila Gilmore: Are there any aspects of the process of individual voter registration which you think might be difficult for any particular disabled groups, perhaps particularly those with learning disabilities?

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Cristina Sarb: In terms of the positives, we were really pleased that the Electoral Commission has been given the power to draft the individual registration form and EROs will have to use those forms. That will, to a certain extent, make sure there is a consistency across different local areas and that the form used is accessible to disabled people and people get the same service wherever they live. That is a real plus with the new system. Where we would have concerns is around the choice of personal identifiers, and one area that needs to be looked at more carefully is whether there may be disabled people who do not have a National Insurance number, and what the exemptions process would look like. I think from the White Paper, that would then either require further documentation, things like photographic identification or potentially even a face to face context or attending in person to the registration office, which, for some disabled people, may not be a viable option—for example, people with mobility impairment. I think that is around the choice of the individual personal identifiers. As I mentioned briefly, given the added complexity to the system and the fact that people will be asked to provide more identifiers, it is also a question that during the rollout people are told of the assistance they can get in filling in the forms, and that is really crucial for making the system accessible for disabled people as well.

Q109 Sheila Gilmore: One of the things that was introduced to help people with the passport forms was a system of checking at the post offices. Post offices are the kind of place—you may have suggestions of other places—where people might go relatively regularly. It certainly improved the speed of the passport service where obvious errors—signing outside the box or all the other things that you can fall foul of in a passport application—are checked then and there, and you can do another form rather than waiting for it to go to that place and come back. Do you think something like that would work?

Cristina Sarb: That would be a good initiative and I think it would work.

Q110 Sheila Gilmore: Are there any other places where you think people might be able to go to where it might be useful to do some outreach?

Cristina Sarb: I think post offices are a good place to start. Nothing comes off the top of my head but I am happy to come back to that issue.

Q111 Mr Turner: Can I just ask, one of the problems when people can't get into the polling station, for example, is that on the one hand it is very good if you can fit the place with a ramp or something like that, but on the other hand, the council may decide to close it down altogether, and then people would have to travel from one village—200 people, not really worth it—moving it a long way away. What do you think of that?

Cristina Sarb: I think we have looked at the accessibility of polling stations for a while and we have seen certain improvements around that, but definitely progress has been, in a way, slowing down. We have seen one per cent increase from the last

general election in terms of greater access for disabled people, and just two per cent from 2001, so I think that has been disappointing. One of the proposals that we made in last year's report is that the way the system works in Northern Ireland may provide a good alternative: if the polling station is inaccessible for them, people can be allocated to a different polling station that would fit their needs. In terms of improving the accessibility of the system, that would, to a certain extent, make potentially a huge difference—for a small proportion of people, but that would still count.

Q112 Andrew Griffiths: Cristina, can I just touch on the issue of residential care? I think, as candidates, we have all been around homes within our constituencies and had the conversation with the care home manager or the matron or whoever it might be that is in charge, and sometimes it is easy to get access and sometimes it is more difficult. There is obviously a very important and crucial role that residential home managers play in this. What do you think that we can be doing to improve that role but also to make sure that those who are living in residential care are not disenfranchised because their individual care home manager is not as active or as proactive in ensuring that they take part in the political process?

Cristina Sarb: I think that is absolutely right. There is a lot of emphasis in the White Paper around ensuring that the register will be as complete as possible and, for that to happen, the disabled people living in a residential care context must also be included. You are absolutely right that there is a need for guidance around the specific responsibilities that managers of residential care homes have within the registration process, and the wider voting process as well, to ensure that they know how to support and enable disabled people to register and then exercise their right to vote. I think you are right to also point out that anecdotally we have heard of instances where people may have been disenfranchised within the residential care context, often because of different assumptions being made about people's capacity to vote as well. I think there is need for guidance around that as well in terms of making sure that the presumption is made that someone has the capacity to vote—that is the same kind of presumption that there is in the Mental Capacity Act.

Q113 Mrs Laing: I note some of the things you have said in your paper about your concerns, which are clearly well founded. In trying to get round those concerns, can you envisage, from Scope's point of view, a system whereby all people who are registered as disabled could or should be contacted by their local authority? Do you think that would be practical? I am showing my ignorance about how local authorities or the Electoral Commission could identify people who might be in need of greater assistance in registering to vote and in overcoming a problem, but is there a statistical way in which you could envisage that happening?

Cristina Sarb: A way around the problem of making sure that local authorities reach all disabled people within their area—I think a lot of local authorities do

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this—would be to engage with organisations of disabled people at the local level. Through those means, disabled people could be informed of the change to the system. Your point about how you make sure people who need more assistance can get it is by being captured. I think one of the key advantages that we see for individual registration is the fact that it would enable local authorities and EROs to gather information about people’s access needs at the point of registration. That would enable people to, for instance, get their polling card in a format that is accessible to them and subsequently get any further correspondence that is related to voting in a format that is accessible to them, and by doing that you ensure that people are in touch with the registration process and the voting process, and you ensure their ongoing participation in elections as well.

Q114 Mrs Laing: That is very helpful but I am wary of putting even more of a burden upon local authorities. We had evidence from people representing local authorities, who I think are still here in the room, about the lack of resources—the extra work that they are now required to do for which they have no extra resources. Personally, I am always concerned about putting the burden of action upon the public body when, in fact, if we are talking about all working together to try to improve the system, it might be possible to encourage organisations which represent and look after disabled people—and I am aware that that is a huge spectrum of organisations—to identify people within their membership who need help with registration and for them to do something about it?

Cristina Sarb: Yes. To go back to the initial part of that question, one of the aspects that we are very much aware of is that the general background against which elections happen is very much one of a lack of resources, with a lot of local authorities being asked to deliver a lot potentially in an under-resourced environment. I think in terms of asking for those access needs to be captured, we do see some of the better performing local authorities already doing this and being proactive. So in a sense it would not be asking local authorities, as I think you said at the

beginning of the question, to do anything extra, but it would ensure consistency for disabled people, making sure that they get a consistent level of service wherever they live. But where local authorities do take a more proactive approach, that has had a massive impact and it is welcome, and had a good impact in terms of increasing registration levels as well as voting. I think there is definitely a role for organisations like Scope, and other DPOs—disabled people’s organisations—to make sure that we overcome some of the challenges that exist in relation to the individual registration, that the system works and the transition works as smoothly as possible. So there is a role both for our organisations and for local authorities to make sure that people are informed.

Mrs Laing: Thank you very much.

Q115 Chair: Great. This is the last question from me, Cristina. My guess is that most Members of Parliament represent constituencies that fall within normally one county council district or urban district council or borough, and it is quite unusual for that to be different, but we have just had a proposal about the boundary changes, and one option, again speaking personally, is to go from one unitary authority that I deal with very happily to three, possibly more. Now this may cause headaches for various people around this table, but is that an opportunity, Cristina, to raise the standard and improve the best practice across the UK? Is there, for some of us at least, a silver lining to this daft plan?

Cristina Sarb: I think definitely there is a silver lining there in terms of making sure that best practice is shared among local authorities, about what are some of the best ways in which you can ensure how elections are run, how the registration process is run, is made more accessible to disabled people, so definitely—to end on a positive note.

Chair: I feel better. Cristina, thank you so much for your time this morning. We take your evidence very seriously and hope you will see some of it reflected in our final report.

Cristina Sarb: Thank you.

Examination of Witness

Witness: **Katie Ghose**, Chief Executive, Electoral Reform Society, gave evidence.

Q116 Chair: Hello, Katie, how are you? You are probably a regular, aren’t you? You are very blasé about appearing in front of the Select Committee. Really nice of you to come along this morning and we look forward to hearing what you have to say. Would you like to say anything to start off, Katie, or are you happy—

Katie Ghose: Just very briefly, and I have listened to the other witnesses so I won’t repeat; I will try and add. Thank you very much for the opportunity. We welcome the switch from household to individual registration, which we think is long overdue. Our main concern is about completeness and how to avoid a potentially devastating collapse in registration, which could be as much as 20% by the time of the

next general election. I think we want to see a combination of measures taken, the first of which is getting the ethos and the communication of that ethos right. We think the ambition for all of us should be 100%. That is what we should be driving for, and we think we should distinguish registration, where we think there should be a sense of duty, from voting, which will remain a matter of personal choice. I would echo a lot of what Simon Woolley has said about civic participation and taking the opportunity to give reasons to people rather than it being a dry exercise.

We want to see EROs up their game across the board with proper support, resourcing and scrutiny, and we firmly want to see reconsideration of retention of the

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household canvass in 2014. I was very interested to hear what the local authorities were already saying about the risks of losing that. We want to see the barriers minimised. We think there should be a lot of flexibility around the personal identifiers so that you reduce the barriers to people coming forward to register, and sanctions are important there.

Finally, we have to make it easy for people, so let's look at later registration than we have now and let's explore election day registration. I suppose we feel that we know that asking people to give personal information is a barrier, so we need a kind of compensatory package wrapped up in a collective ambition to get every last voter registered and we think that is essential to make it a trickle rather than a tidal wave of unregistered voters. So we are hoping to see a very sort of holistic approach by the Government.

Chair: Excellent; thank you very much. Andrew has to leave, so I am going to ask Andrew Turner to pop the first question.

Q117 Mr Turner: That is very kind. You are clearly concerned that the Government's proposals will result in a drop. What can we do to make more people involved?

Katie Ghose: I think, as I have mentioned, serious reconsideration needs to be given to keeping the national household canvass in 2014. We think that 2014 is a really critical year, not just looking ahead to the general election in 2015 but also because the next boundary imprint will be taken at the end of 2015, so we just feel these years are critical and you need to have some front-loading of effort to make sure that gets as many people registered as possible.

We also think that we should retain the sanction or the threat of sanction for individuals. I was hearing an interesting anecdote about Rhyl West, I think it is the most deprived ward in Wales, where because there was a really proactive ERO there, they had a tremendous increase in the registration. There are migrants there, there are unemployed people, and there are real problems of getting people to register. Apparently, the form was very well designed and there was a lot of excellent door-to-door targeted canvassing, but the fine, or the threat of the fine, interestingly, was put sort of centre stage on the form. That tells us something perhaps about the importance of that; not to say that it should be a punitive system, but there does seem to be something about having a threat of a fine that gives people a little bit more of an impetus. Those are a couple of things that could be done to sort of stop a wave of unregistered voters.

Q118 Mr Turner: Could you just tell me, are any premises now not allowed to be used for voting?

Katie Ghose: I don't know. That is something that we would need to check.

Q119 Andrew Griffiths: Thank you, Katie. I am really interested in election day registration. I think it is quite an exciting thing. As somebody who has fought a lot of elections, knocked on a lot of doors, when you find somebody who says, "Oh, yeah, I'll vote for you—but I'm not on the electoral register," it

is so, so frustrating. Obviously, that prospect of being able to register people up to the very last minute is something that, from a politician's perspective, has a lot of appeal. Have you had any discussions with the Minister or with government about election day registration first of all?

Katie Ghose: We haven't, no. We would very much welcome that opportunity. We think it is well worth looking at.

Q120 Andrew Griffiths: What are the barriers do you think? What things would we need to overcome to make EDR work?

Katie Ghose: Some of it would be practical and around resourcing, so one of the things we would anticipate—and we have heard some interesting examples this morning of local authorities talking about the workload over the period of time, that very busy election period, registration and so on—is that there would have to be systems in place, because you would then have a couple of different things going on on election day; you would have registration and you would have voting. There are plenty of examples in American states where this has happened and there has been a significant upturn in voting. Those are some of the kind of practical issues that would need to be looked at, but what I would like is for us to start off with the ambition and the principle, as you have outlined it, and say we should allow people to do this. The other important point is that we have quite short election periods in this country compared with some places, and people do get excited, alive and interested, and particularly if we are going to have more elections that are a bit more on a knife edge, that is going to be a critical period. We need to start with the principle and the ambition and then do a cost-benefit analysis and look at the practicalities.

Q121 Andrew Griffiths: You touched on cost-benefit analysis. Has anybody, do you know, done any work on the kind of costs involved in introducing election day registration?

Katie Ghose: There is an American Demos report; they looked at election day registration in America. Obviously it is a very different system there. I am not aware of any, but there may be evidence that is brought out in this country.

Q122 Andrew Griffiths: You talked about data and personal identifiers. First of all, can you clarify—you said there needs to be more flexibility in relation to personal identifiers; what kind of documentation do you think should be acceptable?

Katie Ghose: We understand that National Insurance numbers have obviously been put out there as the one. We would like items such as passports or driving licences to be looked at as well. We would like a very practical look at the likely voter experience. Are we more likely to have our driving licence in our wallet and to hand than our National Insurance number, which we have to ferret around in a drawer for? We would like a very, very practical look at this. We understand about security and fraud and so on, but passports and driving licences would be obvious candidates.

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Q123 Andrew Griffiths: All right, and you also talked about people's reticence to give data in relation to registering to vote and that is not something I have heard a great deal about. Can you touch a little bit more on that and is there any evidence? Has anybody done any sort of specific work to look at why providing data would be more likely to prevent people from registering?

Katie Ghose: I think the one I would highlight is the Northern Ireland experience where the introduction of the identifier, the National Insurance number, did seem to put people off.

Q124 Andrew Griffiths: You think it was providing the data rather than the individual registration process?

Katie Ghose: There is definitely evidence for that: a personal identifier is information that people may feel they don't just want to give over. It does seem to be a barrier for some people.

Q125 Andrew Griffiths: In relation to the canvass, you are predicting a substantial drop-off as a result of that, yet, as I understand it, we are allowing voters registered the previous year to be carried over. So why do you estimate that there will be such a dramatic drop-off as a result of not having the canvass?

Katie Ghose: Yes. In part because it will only be people who are already on there who will be part of that individual write-out, so there are inevitably going to be people not already on the register who would have then been picked up by the annual household canvass if it didn't go ahead in that year.

Q126 Andrew Griffiths: If the canvass does not go ahead, do you think there are things that can be done to mitigate that or is it only a case of unless we have the household canvass, there is very little else that can be done?

Katie Ghose: I think that is where the local authorities' experience is absolutely essential and I was very struck in hearing their evidence again how patchy and how different and how diverse that experience is. I gather, though I am not sure—it is slightly difficult to make out from the White Paper—that there may be a household inquiry form to properties where no one is registered, so that might help to fill a bit of the gap, and there could, of course, be other measures put in place, but I find it hard to see, without having that annual canvass and the individual write-out, how we are going to avoid really quite a significant drop-off in that year. We know, the evidence tells us, that door-to-door canvassing is really important, particularly in areas where there is deprivation, where it might be the one thing that would make a difference to get somebody on to the register.

Q127 Mrs Laing: Thank you. Just taking forward this issue of when people can register; you mentioned that in this country we have a short election period, but do you think that fixed-term Parliaments will change that, because at the moment we don't have short election periods for local elections, because we know, every single year, that there are going to be

some elections somewhere on the first Thursday in May? Once we know when a general election is going to take place years in advance, does that not change that?

Katie Ghose: It is a really interesting question, and we don't know. I think that for the purposes of registration, even if there was then going to be more active campaigning for a longer period by the political parties, what is really important for registration, however long the campaign has been, is that last burst of intensity when the media has become really excited and there are lots of debates. I think what you need to ask when you are thinking about registration is, when is the period of most excitement and engagement, and can we try to capture people then? I would have thought—I don't know because fixed-term Parliaments are new—that even if there has been a relatively long run-up, you are still going to have that short run-up, a week or two before election day, a sort of feed-in period when people who might not have bothered before might get a bit interested. If we can capture them then in the last few days, and on election day itself, I would have thought that would be positive.

Q128 Mrs Laing: Do you think there will be any additional cost? Well, it's not do you think, but do you consider, since you have experience of these matters, that there will be an additional cost to local authorities and to the Electoral Commission and so on of registering people in those last few days, and indeed on election day, if that were allowed?

Katie Ghose: Yes; there is bound to be a cost. I would like the costs and the benefits to be looked at, I guess, over the whole cycle—again, very much driven by the fact that we are an old democracy and we should be getting our act together and getting optimum levels of registration; that is what we should be driving at. There may be a cost in those few days and election day registration, but if the benefits are very great because you have captured people at the time when they are most interested, that may mean you could use less resource at other points, at quieter times in the political cycle.

Q129 Mrs Laing: All right, good point. I was shocked to find yesterday, when we had the statistics of how many people there are in each constituency and how many electors there are in each ward in every constituency in the country, that in two constituencies that I looked at—not my own I have to say—the number of electors in 2011 is approximately 3,000 fewer than in 2010 when the general election took place. We know for a fact that it is not that 3,000 people have left those constituencies—there hasn't been massive migration from those parts of the country. Would that not suggest to you that people will bother to register when there is a general election coming up, but then in the following year, they won't bother to register and, therefore, I am afraid, that invalidates your last point?

Katie Ghose: We know that there are different levels of interest in local and general elections. I am not giving a firm view; it is very much for the local authorities with the expertise who really need to sort

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out where resources need to be put. There is a significant problem here of under-resourcing. We do think this is an area that needs to be properly resourced. I suppose I am just saying that we need to take into account when people are most likely to be triggered into registering across the whole of the political cycle.

Q130 Mrs Laing: But if people bothered to register in 2010 immediately before a general election, don't they carry a certain amount of personal responsibility then to register the following year? Could it not be argued that if a local authority and others went to the trouble of finding those people, getting their names on the register and giving them the opportunity to vote, and then in the following year they just didn't return the forms, is there not a degree of personal responsibility upon the individual voter or potential voter?

Katie Ghose: I agree in general terms. This is an area where there is a mixture of responsibility, a mixture of personal responsibility and civic duty, if you like, to get others to vote, but I don't think that really answers the whole problem. If we want to see registration rates up overall, we all need to take some responsibility for it. I think there is a role for local groups and local citizens in this. A positive, if you like, that came out of the recent referendum campaign is lots of local democracy groups, just concerned citizens from different parties, are now coming together. A lot of them have expressed an interest in trying to do more public education, getting more excitement around the voting process, so I think there might be a role for local groups to play alongside individuals.

Q131 Mrs Laing: Yes, and indeed this is the one thing that politicians do do. I was once accused at a public meeting of not doing anything to try and help people register, and every MP and local councillor in the room just burst out laughing, because the one thing that we do do is knock on people's doors. Obviously we want them to vote in a particular way, but number one, we want them to register and to vote, so we do stir up their interest, or at least we do try to. Just coming back to the balance of resources here, you said that you are very keen on having election day registration, and indeed my colleague has expressed a similar view. Can I just take you in the opposite direction for the sake of examining the issue? If we take into consideration that it would certainly cost more taxpayers' money for registration to be allowed to be facilitated in the few days before an election, and on election day, one can imagine that if someone turns up at a polling station and is not registered, then there has to be quite a considerable bureaucracy available there to check their National Insurance number or whatever other identifier has been used and so on, which would cost a lot in terms of human resources and, therefore, money. If people have had the chance through a campaign run by the Electoral Commission in the weeks running up to a general election, let us say, which could be many, many weeks in a fixed-term Parliament, surely it is not reasonable to ask the taxpayer to pay a very considerable amount

more money to allow people to register on election day who just didn't bother to do it in the previous weeks?

Katie Ghose: There was a change a few years ago; I think it was from three months to 11 days, so there is precedent already for a step to be taken in that direction. I suppose it depends where you are coming from. If you are coming, as I am, from the idea that we have all got some responsibility as different cogs in the wheel to get as many people registered as possible, then I just think we need to take a sensible look at all the measures. What we are really saying with election day registration is there are some good examples in the US where it has worked and, for the amount of money that has been put in, you have seen a good rise in registration and in voter turnout as well. So we are really saying we would like to see an exploration of that. Obviously there would need to be a cost-benefit analysis, but we are quite encouraged by the evidence we have seen from the US and we think it is worth a further look.

Q132 Mrs Laing: Let me assure you, we are all coming from the direction that we want to see as many people registered and participating in the electoral system as possible. Everybody wants to see that happening but the cost-benefit analysis here is a very serious one and it would be interesting to see. If you have that evidence, will you give it to the Committee, about the relative cost of allowing people to register? Eleven days, as you have said, is quite a long time before an election, but once you get down to, let's say, a week, with all the publicity around a general election and all the work that the Electoral Commission can do in advance in encouraging people to register, if someone has not bothered to register, how much does it cost to give them that privilege on election day?

Katie Ghose: I can respond further if that is helpful.

Q133 Andrew Griffiths: Of course, the other question to ask is, if that facility is available that you can register on the day, how many people who would have registered earlier simply don't bother because they can do it at the last minute and so, therefore, wait? That is an interesting question to ask.

Katie Ghose: I think all of that needs to be covered, and there hasn't been a proper exploration in this country. Chairman, you asked how we get the excitement and the engagement back in. In some places, voting is a festive thing; it is a brilliant thing to do, it is an exciting thing and maybe because we are quite an old democracy, we have lost a bit of that. I just think it is worth looking creatively at all the different options to get as many people interested as possible, and then as many people voting as possible.

Q134 Sheila Gilmore: I just want to say quickly, regarding individual voter registration, and the concerns everybody's expressed about fewer people voting, in my constituency, the areas where at the moment we don't have households responding clearly to the forms are very clearly identifiable, and I am sure they will be very much the sort of people we are all worried won't respond to individual voter

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registration. So have you any practical suggestions of how we can perhaps make what is already in some sub-areas of constituencies, a very bad situation—you know, two houses out of a tenement of eight registered is not uncommon—a bit better?

Katie Ghose: I think I have mentioned already and you have heard illustrations that obviously we live in a very diverse country, so you get very different practices in different places. I mentioned an example of the very deprived area, the most deprived ward in Wales where it seemed to be just extremely proactive in going to all parts of the area; I have heard anecdotally that sometimes there may be places that EROs would choose not to go to. Very proactive use of the door-to-door canvassing, which the evidence shows can make a difference, having that face-to-face personal engagement, having a highly targeted approach and having well designed forms as well, can be effective. Looking at every aspect of the process and thinking about the people that you are trying to reach really does seem to make a difference.

One of the things we would love to see is much more sharing of the good practice that is out there among the EROs, and people being properly taken to task. We would like consideration to be given to some proper teeth being given to the Electoral Commission. At the moment, they do the advice and guidance in saying who is not performing well and who is, but we need a proper regulatory approach for them or for someone else so that we could get proper consistent quality across the board. I think that would help in some of the areas that you are talking about.

Q135 Sheila Gilmore: Are there any advantages in outreach work? I have mentioned the post offices, but I suppose there are also other places that people go—the local supermarket or whatever—where we could encourage people to fill in the form rather than something that comes through the door, maybe addressed to somebody who may not be there, certainly in the multi-occupied places.

Katie Ghose: Yes, definitely. We would like to see it made much more part and parcel of the formal transactions you have with the state—the passport, the driving licence, but also the informal interactions that you have day to day, be it post offices or supermarkets or street stalls. We need as many initiatives like that as possible, so that it is more part of the day to day and isn't just left to chance, if you like.

Q136 Chair: Katie, a sort of quiz question. Have you heard of the Electoral Participation Fund?

Katie Ghose: Yes. This is the one that was abolished.

Q137 Chair: I hadn't. As a Member of Parliament, I have to say I would love to have heard about it when it was in existence, because I would have helped to ensure that it was not under-spent, which it was, and then was abolished last year. Again, for colleagues in my position who did not quite know what it was, it was designed to assist EROs to fulfil their duties and obviously improve voter registration.

Just a last question from me, Katie. Do you think something like that would be helpful in tackling some of the problems we have talked about this morning?

Katie Ghose: Yes. We think the fund should be reinstated, but every penny should be shown as being put to proper and targeted use, and it should be made part and parcel of other measures so that the taxpayers could be confident that it was being used, and particularly was being used to get to the sort of vulnerable groups, if you like, that we know are least likely to get on the register.

Chair: If the Committee refers to this in its final report, perhaps we might suggest that Members of Parliament and indeed other elected representatives are informed of the existence of the fund so that it can be fully used—but I will leave that to my colleagues who are to write the report.

Q138 Andrew Griffiths: Katie, I recognise what you were saying about its being under-publicised and under-used, but surely every ERO in the country knew this fund was available, knew they could apply for it? I don't know any council official in my authority who, if there is a potential pot of money that they might be able to get their hands on, does not take every opportunity to at least apply for those funds. It just does not seem credible to me that there is a £2.5 million fund available and that EROs would not have been told, "Apply for this if you think it's valuable." Isn't one of the conclusions that can be drawn that EROs did not feel they needed to apply for it, were content with the resources that they had available and, at a time when we are looking at saving money, a £2.5 million fund with a £2 million under-spend seems ripe for an area that we could make some savings?

Katie Ghose: I was as shocked and astonished as anyone else that a fund like that wouldn't have been used, but those questions need to be asked to the local authorities and the EROs, and we have heard from people this morning that there aren't sufficient resources there. So I don't have any answers to that, but I do think that, particularly with what we have coming up in terms of a different system, it is quite clear that resources are going to need to be made available. We have heard about very patchy forms, if you like, by EROs and I think strong consideration should be given to reinstating some kind of a fund, but it should be properly managed and scrutinised. I have already mentioned the Electoral Commission role in having teeth to make sure we get consistent service across the board. So it should be made part and parcel of that, not just reinstated and left for a kind of free-for-all.

Q139 Andrew Griffiths: Just one last question. You are not the first person to say it, there is a consistent theme of people who have given evidence to the Committee that they feel that removing the legal obligation is a particularly worrying aspect, and I think virtually everybody who has come before us so far has made the plea to reinstate that. What do you say about—we heard about this earlier on and I am sure you heard the evidence—people that have been fined for a second or a third or a fourth time and still do not register, or those people who say, "Well, what is the point in having a threat of a sanction if the vast majority of local authorities choose not to use it because it is too expensive a process to go through?"

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Katie Ghose: I think the sanction is important in helping the Government and others communicate what is happening. One of my worries is about some of the language in the White Paper around registration being completely take it or leave it, and I think one of your colleagues talked about it feeling a bit like a Nectar card. I don't think registration should be take it or leave it. At a time when all of us are worried that we might see a downturn in the registration, keeping that sanction—and we have heard that it is not widely used—and having that message there, to take a step back and have a think about this, could have some importance. It is not just for the individual, it is also helping the Government communicate this is a proper way.

Q140 Mrs Laing: What would be the effect of changing the burden of duty and responsibility and merely giving local authorities the duty to compile a list of all the people who they consider are eligible to vote and, therefore, that becomes the Electoral Register and then giving the individual the opportunity to challenge that if they have been either left off or put on erroneously? So that instead of people having to take the initiative and register, the

local authority would just say, “Oh yes, that person is eligible.”

Katie Ghose: I don't know. It is an interesting question. I don't know what the effect would be of that.

Mrs Laing: Thank you. Perhaps that is something the Electoral Reform Society might want to look at.

Chair: As Chairman of the Select Committee, it is beyond my powers to recognise what happens in the gallery, and I shouldn't even refer to it. However, the twitches and the body language through the last exchange invite me to expect a couple of letters from our ERO colleagues to make real some of the suggestions that colleagues have been putting around the table, so we look forward to further information along those lines.

Katie, thank you very much for the evidence you have given and, if I may say, I think that is one of the best evidence sessions we have had. We have had people from the coalface today, real experience; people who have been there, done it and have come up with some extremely pertinent, sensible, constructive and practical ways forward. I think it has been a very good evidence session this morning. Katie, thank you for your contribution to that. Thank you all.

Thursday 15 September 2011

Members present:

Mr Graham Allen (Chair)

Sheila Gilmore
Andrew Griffiths
Simon Hart
Tristram Hunt

Mrs Eleanor Laing
Mr Andrew Turner
Stephen Williams

Examination of Witnesses

Witnesses: **John Turner**, Chief Executive, Association of Electoral Administrators, **Jocelyn McCarley**, Assistant Chief Electoral Officer for Northern Ireland and **Michel Saminaden**, Chief Executive, Welwyn Hatfield Borough Council, joint lead on IER for SOLACE, gave evidence.

Q141 Chair: It is very good to see you. Thanks for joining us today. So Michel, Jocelyn and John, welcome to the Committee. It is very good of you to spare your extremely valuable time to see us. You will know that we are having a look at individual voter registration and we would like, if you will allow us, to pick your brains on where we are and where we perhaps ought to be. Would it be helpful to kick off with a little opening statement or do you want to jump straight into questions?

John Turner: Happy to leave it to you, Mr Chairman.

Chair: Everyone happy? Okay. All right, Simon, maybe I can ask you to start us off.

Q142 Simon Hart: Thank you. I have to go for a short while at about 10.30 am, so if I ask a question and then leave don't be offended. There is nothing in it.

I missed our evidence session on Tuesday but we were talking about this subject last week, and it seems to us that the notion of individual registration is being sold to us on the fact that it is a fairer system than the current one. I just wondered what your views were on which parts of society you think benefit or gain from these proposals. Are there people who are currently on the register who you think will find it more difficult to be on the register in the future under the new rules? As a sort of supplementary to that, do you think—and you may not want to answer the question precisely—that will have an effect on some local politics in a party political sense? So it is, really, who are the winners and losers from this particular proposal?

Michel Saminaden: Shall I make a start? As a Returning Officer, an Electoral Registration Officer, I think we are very supportive of individual registration but there is a real fear that some parts of society, some of the electorates—especially young people who normally have the form filled in for them by a head of household—probably won't bother, probably will fall off. So we think definitely young people. We think perhaps black and minority ethnic communities will probably drop off the list as well. So we think there is a potential, although it is the right way forward because we have an anachronistic system that goes back years. It is the right way forward, but I think it needs to be linked to better publicity, and so on, to get people to register. So we have particular concerns about young people and some parts of the community.

Simon Hart: Just on that, we don't know what the publicity, the marketing and the communications will be yet but you are just flagging up a concern that, unless it is really thorough and sustained, there could be sections of society who could be disadvantaged as a consequence?

Michel Saminaden: Absolutely. Yes, and they may be anyway, but there needs to be a very deep and embedded communication with people to tell them the benefits of registering because what we normally get is, "Why bother?"

Q143 Simon Hart: Should that be the responsibility of central government, or is that a local authority challenge?

Michel Saminaden: I think that it is all of us. I think it is the Electoral Commission, central government, political parties, local authorities—all of us together have to. It is a challenge for all of us. I don't think a single party alone could manage it.

Chair: Jocelyn or John, do you want to follow up on that?

John Turner: Yes. It seems to us that in the short term there is going to be an impact, because, you are right, there will be people who will engage and there will be people who will not engage. That is largely because of the nature of the current system where, traditionally, one individual in each household has taken the responsibility and other people who are within that household have probably not even seen the form. It is likely, therefore, it seems to me, that we will get to a situation where some of those people will not get fully engaged in the new process.

There is also the question of the voluntary nature of the new system, where the Government have said that there is no intention to make this compulsory. Indeed, they have hinted in the White Paper that there could be the opportunity for people to opt out, and given the almost anecdotal evidence that some people do not like registering, for a variety of reasons, I think there is a fair chance that advantage will be taken of that opt-out.

If you think around some of the uses of the register that might dissuade people from registering and the fact that you are going to be able to say, by ticking a box, "I do not wish to be canvassed. I do not wish to register", there seems to me a sort of pervasive logic that gets us to a position where people will drop off the register, for reasons that have very little to do with

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voting, politics or even engagement with the democratic system. They would be persuaded for other reasons, such as jury service, not wanting to receive unsolicited mail, wishing to remain anonymous—for all sorts of security and perhaps other reasons. That has a knock-on effect that potentially we will not see until we have gone through two iterations of the registration process, the first important one being after the next general election.

Q144 Simon Hart: Thinking of the Northern Ireland experience, I just wonder how confident you are. The data transfer, the data management, from where we are now to where we will be after registration, is a mammoth technical challenge. Thinking of Returning Officers in particular, are you confident that that can be done with the absolute minimum of risk? I am just thinking of general data handling issues; are we sufficiently geared up to do that?

John Turner: We haven't seen the detail of how that will be handled, but whenever new challenges have been thrown at both the electoral profession and the suppliers, the IT suppliers who support them, generally it has worked. My concern would not be so much about data transfer into a new system; it will be more about how the public respond to the fact that they are faced with a new challenge. Therefore, I think my concern would be a little bit more about ensuring that the sorts of ways in which you can interact with government electronically—or indeed, with any other agency—are part of this process.

If we think that one of the greatest under-represented groups in age terms are the 18 to 25s and if you look at how the 18 to 25s conduct their general business, it is normally with a phone or a BlackBerry or something else. So we have to ensure that those sort of IT channels are available to the people we are trying to relate to, particularly given the success there has been in terms of the traditional and current arrangements by people using internet, telephone, and so on, to register.

Michel Saminaden: If I can say something about the system itself, which links into what you just asked. Reading through the White Paper, it strikes me that the whole system is more lax now than before. At the moment, you receive a form from the Electoral Registration Officer. It is an important form and it tells you that you have to fill it in. Then you receive a reminder and it tells you that you could be subject to a fine if you don't. That has an impact on people. It appears to me that this system that is going to be brought in is much more lax, much more, "Well, you can do it if you like but you don't really have to. We are not saying you have to anymore". Even to the extent where if you don't want to supply the National Insurance number, "Well, all right, we will look for something else from you". It doesn't have the power that the current system has and I have to say I think that is a huge mistake.

In terms of coping technically, we will; we always do and we will. I am sure that we will come across data protection problems and we will have to deal with those as they come along.

Q145 Mrs Laing: When we debated individual electoral registration at length, over many, many years, in the House of Commons, successive ministers—I was going to say of both parties; I suppose I really mean of all parties—said that it was really important that, before we make changes in England, Wales and Scotland we learn the lessons of Northern Ireland. This was a comforting consideration, especially for Members who were concerned about the comprehensiveness of the register being lost and the importance of keeping to the accuracy of the register. We have seen the statistics for Northern Ireland. Am I right in saying that, when the new system was introduced, the number of electors fell fairly significantly but then it rose again and settled down?

Jocelyn McCarley: That is right.

Mrs Laing: Thank you for confirming that. What lessons—

Chair: Is Mrs Laing's view accurate?

Jocelyn McCarley: It is right, to an extent. At the moment, the register in Northern Ireland is at the highest it has ever been since the year 2000. In 2002, yes, we did have a very dramatic fall in the numbers registered—it was about 10% of the register—but when we brought the new legislation in, to introduce individual registration, we also lost the carry forward. That was when people were asked and canvassed to fill in a registration form and if they did not respond they were carried forward on the register for another year.

There was a report done by the Electoral Commission that attributed a very large amount of that fall-off to the fact that we no longer had a carry forward. If you carry it forward to later years, in the year 2005 we retrospectively reintroduced the carry forward in Northern Ireland. These were people who had not responded to the 2004 canvass. There were over 70,000 people reinstated. In December 2005 the people who did not respond to the canvass were over 90,000. If you compare that to the 10% fall in Northern Ireland, which was 120,000, you will see that it actually accounts for a huge amount of the people. So you have to take the drop in the register in Northern Ireland in context; we also lost the carry forward, which is not going to happen here.

Q146 Mrs Laing: That is indeed one of the lessons that we have learnt about the way in which it was done—an important lesson. Do you think that the system will be more smoothly introduced in England, Wales, Scotland, and so on, because of the lessons that have been learned?

Jocelyn McCarley: Yes. As I say, in Northern Ireland we did retrospectively reintroduce the people. We had elections in 2005 and the political parties were obviously not very happy with the fall-off in the register, because what happened after we introduced individual registration was that every year, following the canvass, the register fell by about 2%. People did not respond and it fell off. Over the year, through rolling registration, we were able to make up that decline in some way, but the overall trend in the register in Northern Ireland was downwards. That continued until we abolished the canvass in 2006, the

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annual canvass. The reason for that was partially because of this downward decline in the register, but also people got fed up filling in the identifiers, year after year after year.

If you look at the statistics for Northern Ireland, since that point the register has climbed and climbed and climbed until, like I said, it is at its highest ever. If you take the figure that we have now back to 2000, it would be something like 96% comprehensive. Now it is not because the number of people eligible has increased in Northern Ireland by about 1% every year so it is still only sitting in the late 80s, but if you put it in comparison we have done quite well in building the register again.

If I could just answer your question about the carry forward, when we carried forward about 70,000-odd electors, and then about 95,000, the Electoral Commission did do an update report on what happened to those people. There was about half of them re-registered the following year so they were there, but the other half we don't know. So the problem with carry forward is there are a lot of people there that may not be there at all, and yet they are still carried forward on the register. There are duplicates, so there are problems with that too.

Q147 Mrs Laing: Is it also possible that part of the reduction in numbers is due to the fact that people who should not have been on the register were removed?

Jocelyn McCarley: Yes.

Mrs Laing: Thank you.

Michel Saminaden: If I can just mention one thing about carry forward, one small piece that is probably worth saying. It is about the carry forward of people who have a postal vote. So everyone has to be carried forward but your postal vote is not going to be carried forward. I think that is something that really needs to be looked into. It seems—

Q148 Mrs Laing: Do you have a recommendation about that?

Michel Saminaden: Yes. If we are carrying it forward, it should be carried forward. It seems a bit of vindictiveness entered into it for some reason that none of us can really fathom.

Q149 Mrs Laing: In previous evidence sessions this issue has arisen and we might well have hit on something quite important here. Can I ask this question to everybody: do you consider that the postal vote—and presumably, you also mean proxy vote then—should be carried forward?

Michel Saminaden: If you are carried forward, you should be carried forward as you are on the current register.

Mrs Laing: Is that what the other members of the panel think?

John Turner: My understanding of the rationale behind that policy is that those people being carried forward will not have given—because they have not had any contact with the Electoral Registration Officer—the identifiers that would be necessary to secure the integrity of the absent voting process. So carrying them forward has this danger of allowing a

security or an integrity problem into the new system, which will be hybrid for the next election anyway. So generally speaking, on security and integrity grounds, I would be concerned about carrying forward postal votes, in particular where you do not have a means of checking them back as being authenticated against the individual.

Q150 Sheila Gilmore: Just quickly on that particular point, changes were made to the way the postal votes were issued fairly recently and people have to supply their date of birth and a signature. To that extent, people who have existing postal votes are already giving more information about themselves than people who just fill out the registration form or have it filled out for them. So you could argue—or maybe you don't agree—that postal voters already do give a—

Michel Saminaden: We do. That is exactly what we argue. That is exactly right.

John Turner: The problem is that for some of those people who we will be carrying forward in, let's say, 2013–2014, it could be four years ago when they gave those identifying details and they have not been verified since because it is only a five-year—

Chair: Presumably they were accurate at the time, John.

John Turner: Yes, one will presume that. The problem is, as Jocelyn said, people do move, people do change.

Q151 Chair: That is not the purpose of the identifiers. It is administratively convenient to track people who have deceased, but that is not the purpose of the identifiers?

John Turner: No, not for postal votes, but the people who are coming into the individual registration system and will be giving whatever identifiers are eventually agreed—date of birth, National Insurance number, and so on—will be operating under a different and more secure system than postal voters where there is the least possible check on fraudulent activity.

Q152 Sheila Gilmore: When people's postal vote comes in, it is verified against their signature and that has made the whole postal voting counting thing a bit longer than it used to be. I know the verification process is administratively longer than it used to be, but that was the purpose, to verify the signature. If the information was wrong in the first place that is a different issue, but there is still a safeguard to the system because a postal vote is verified in a way that somebody, frankly, turning up at a polling station isn't.

John Turner: All we are saying is, it is just logic that if you are going to carry someone forward with no verification of anything at all into the system, which is what we are going to be doing for many people, then why would you not carry forward those who have already given you some verification for their postal vote? All I was saying is that we cannot see any logic in that.

Q153 Mr Turner: For how long can they, without you ever having seen them and you not knowing anything about them?

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Michel Saminaden: For five years.

Mr Turner: Five years?

Michel Saminaden: For five years. In fact, at the moment, there has been no verification at all. It is just beginning now because this system has only been in for five years, so it is a five-year process and we are all going to have to start that verification process now.

Q154 Mr Turner: So once people have done five years, they have to resubmit?

Michel Saminaden: Yes, they have to resubmit their signatures and dates of birth to us, but the point is that those who are not on postal votes have done nothing and they are being carried forward. There is no verification of anybody—

Mr Turner: But only for five years?

Michel Saminaden: No, no, I mean, they are people who have registered the year before with us, in the old-fashioned way without any verification, and they are being carried forward.

Mr Turner: They are being carried forward until when?

Michel Saminaden: For one year, I understand.

Mr Turner: For one year?

Michel Saminaden: For one year under the proposals.

Mr Turner: So are we talking about the proxies, and so on—for one year is what you suggest?

Michel Saminaden: For one year, yes.

Mr Turner: Just one year?

Michel Saminaden: Just the same as everybody else.

Mr Turner: I see.

Michel Saminaden: Why differentiate them from everybody else? That is the only point, yes.

Chair: Eleanor, back to you; very helpful.

Q155 Mrs Laing: So we have a bit of a difference of opinion here. This is quite helpful, thank you. When you carry out the canvass, do you have enough information to make a judgement as to the approximate percentage of people who wilfully do not register because they intend not to register, and a corresponding percentage of people who just don't bother or forget?

Michel Saminaden: It is very difficult. In Welwyn Hatfield, we have a university of 20,000 students, so we have a huge number who don't register. Yes, it is speculative, it is really either because they are registering elsewhere or because they are students they can't be bothered. I am not really sure. We do send out individual forms to all of them. So we send out maybe 12,000 forms and get back 30.

Q156 Mrs Laing: You send out individual forms now?

Michel Saminaden: We do now.

Mrs Laing: To every student?

Michel Saminaden: Because students are in their individual halls, their individual rooms, you see, so in that way they do. Yes, they get an individual form.

Q157 Mrs Laing: So, in order to do this, instead of just like under the old system, when the person who administered the student hall of residence just filled in all the students'—

Michel Saminaden: Yes. No, that does not happen.

Mrs Laing: You are already not doing that?

Michel Saminaden: Definitely not. No, we have not been doing that for a few years.

Mrs Laing: Oh, right.

Michel Saminaden: We thought we would get a better result, but it was the same; no better, no worse.

Q158 Mrs Laing: In order to do this, are you provided with information by the university?

Michel Saminaden: Yes, we are. Yes.

Mrs Laing: So that is a form of data-sharing that is already working?

Michel Saminaden: Yes. We liaise very closely with them, yes.

Mrs Laing: All right, and similarly—

John Turner: Well, the real problem is those who refuse to play are not likely to tell you they are refusing to play, because there is the threat of eventual prosecution. They will simply disappear under the radar, so it is very difficult to get a handle on that. I think the truth of the matter is that if you had infinite resources, and you were prepared to go to the nth degree, you could probably get an answer as to how many people you have not engaged with or at least how many properties you have not engaged with, because you don't really know how many people are in that property. That is a very expensive proposition. When I was the Electoral Registration Officer at Norwich, I had a very supportive local authority who were prepared to put money in. They paid for three wards a year to be completely blitzed and I employed six visiting inspectors. I can tell you it cost an awful lot of money to add about 5% of people to the register.

Q159 Mrs Laing: Would it be right to say that most of those people who were thus added could have been added if they had bothered to fill in the form?

John Turner: Yes, absolutely. Literally it was the horse and the water approach to life. In the end, I think my visiting inspectors became so tiresome that it was easier to fill the form in than to face another knock on the door two days later. So it is a war of attrition, but whether the money is being well spent doing that—in even harder times, I doubt there would be sufficient resource to do that.

Q160 Mrs Laing: That is a very good point. Is there a lesson on that from Northern Ireland?

Jocelyn McCarley: Northern Ireland of course was slightly different, because we have moved to data-sharing and we don't do an annual count, but what I would say is that, for the past two elections, the past two years—2010 with a parliamentary election and this year, when we had the combined elections—there was about 18,000 people in both years added to the register coming up to the election. Obviously, we are not getting to those people and they have not bothered to fill in a form and so all the data-sharing arrangements are not getting to those people, or else they are just not reacting to us when we do.

Q161 Mrs Laing: You discovered that. Do you have a more accurate idea of the people who are missing from the register because of data-sharing?

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Jocelyn McCarley: I did do an analysis of who those 18,000 were and there was a disproportionate amount in the young age groups, the younger people. That did surprise me because in Northern Ireland our Area Electoral Officers, as they are called, visit every school in Northern Ireland with pupils in the 16 to 17 year age range. We also contact further education colleges, who provide us with their pupil information and either visit the colleges or —colleges are a bit more difficult because the pupils are on day release. They are not there that day or whatever, so it is more contact by letter. We also use information from the Department of Work and Pensions. They give us quarterly outputs on people who have attained the age of 16, and we go through our register and check whether we have them on the register and then we write to them. I would have to say that we do keep careful statistics on what comes back, and it is probably about a 40% return rate, so there are still those people who don't respond.

Mrs Laing: 40%?

Jocelyn McCarley: Yes.

Q162 Mrs Laing: It is particularly interesting for us to look at this data-sharing. So am I right in thinking what happens is you get information from DWP, from the Department of Education and from schools and colleges, so you know where people who are about to be 18 are?

Jocelyn McCarley: Yes, that is right.

Mrs Laing: You write to those people individually, giving them the opportunity to register to vote and you write to them more than once and you get a 40% return?

Jocelyn McCarley: No, we only write once.

Mrs Laing: You write once, so then you might follow it up after that?

Jocelyn McCarley: We tend not to because of the volume of work and the resources. That is very time-consuming because we have to go back and check if they have then responded and know which ones need writing back to.

Mrs Laing: Right, but each of these people gets individually addressed to them a letter saying—

Jocelyn McCarley: Yes and a registration form.

Mrs Laing:—"You can vote. You just have to send us back this form" and only 40% do it?

Jocelyn McCarley: Yes.

Q163 Mrs Laing: That is interesting, but it is a personal choice.

Can I follow up with more on data-sharing—the issue of people still being on the register when in fact they have died? Is there an obligation upon the Registrar of Deaths to tell the Electoral Registration Officer when somebody has died?

John Turner: Yes, there is. The problem is it is imperfect, in the sense that many of the details come from where the person died rather than the place in which they reside and, therefore, whether they are on the register. So it is not a perfect system, but that obligation exists.

Mrs Laing: So you mean a death is registered in the place where a person has died?

John Turner: That is the general rule, yes.

Mrs Laing: Rather than the place where—

John Turner: They were living.

Mrs Laing: Oh that is interesting, I just realised all my family have died in the place where they lived, so you have to—

John Turner: We have their vote. *[Laughter.]*

Mrs Laing: I would like to make the point that my family are not responsible—the ones who are no longer on this earth, sadly. This is an issue personally that I had not thought about. You have partly answered the question. I did wonder why this goes wrong because on Tuesday an Electoral Registration Officer told us of hundreds of people who were discovered to still be on the register who had been dead for 10, 20 years, and more, and who appeared to be 111 years old. Isn't that what they told us?

Sheila Gilmore: I think, to be accurate, that was DWP information. They did say those people were not on the register but they thought there was something odd. Well not odd, but the DWP data was cumulative, and they weren't paying them benefits either, I don't think.

Chair: Let's address any further questions to the witnesses.

Q164 Mrs Laing: It was. My colleague is right to correct me but, one way or another, there is a discrepancy which made me think, "Why is there not a proper system that, when somebody dies, the information is sent to where it ought to be sent? Would it be possible, without costing too much money, to devise a system whereby when a death is registered then the Electoral Registration Officer for the area in which the person lived should be informed?"

John Turner: It would seem entirely sensible, but whether it is possible from the Registrar General's systems, I don't know.

Michel Saminaden: I am sure it is possible, and I think it works very well. We use all sorts of systems to identify people who have passed on. Usually with the annual canvass and at election time we get lots of information back, so our register is constantly updated. I would say it is fairly up-to-date actually. I would be very surprised if we had many dead people on our register.

Jocelyn McCarley: I think in Northern Ireland, the system is slightly different because Northern Ireland is a small province and it is a central system. We get weekly lists from the General Registrar's office on deaths. We also get a monthly list from the Coroner's office. We feed that into the system so everybody has access to it, so the deaths are removed at that time. We have access to the whole of Northern Ireland, so if I looked in at Belfast I could see someone is registered in Londonderry. So that isn't a problem really in Northern Ireland.

Mrs Laing: Perhaps that is another lesson we can learn from Northern Ireland. Thank you.

Q165 Chair: Is it true that you can tick a box on the proposed registration to say, "Please don't remind me anymore about my right to vote—go away"?

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Michel Saminaden: Not so much tick a box but I think you will be able to tell us, in one way or another, yes, “Not to bother knocking at my door, please”.

John Turner: My understanding is that it will be precisely that. There will be a way of advising Electoral Registration Officers, probably by ticking a box on a form, that, “I do not wish to be approached again” in respect of that particular year’s registration.

Michel Saminaden: It is just for one year. You cannot say you don’t want to be approached ever again, so it is an annual thing you would have to do.

Q166 Tristram Hunt: As I understand it, the Government plans to repeal sections of the Political Parties and Elections Act to allow for an accelerated timetable for voter registration. Is that timetable achievable and what are the potential civic consequences of that timetable—i.e. are we rushing it when we could get more people on the electoral register if the initial timetable was followed?

Michel Saminaden: If the regulations come out as proposed, then I think we would be rushing it, especially at the parliamentary election. There is enough to do during a parliamentary election, and I think there was a proposal to bring in another date by which people can register and, yes, I think that is pushing this one a bit too far.

John Turner: I would say that when the Government first announced their intention to change the legislation, as you suggested, then we would have felt that there was enough time. I am concerned now that we have moved on a year from that position, and our particular concern is that the high principle of whether you have individual registration is a really a political and policy matter. The detail of how you do it, though, is critical to its working properly.

Our concern—and I think we have stated it in the evidence to you—is that as every month passes, it is going to get extremely difficult to ensure that the system is totally workable and that the necessary IT systems that will support that system are in place. Perhaps if we get past spring of next year and we still have not seen the regulations, I think I would be saying, “Well, you need a bit more time to do this properly”. I don’t think we can afford, in effect, a rushed project that plays loose and fast with the democratic system.

Q167 Tristram Hunt: I think that is a growing worry. We have heard about the Northern Ireland experience of initially a 10% drop in terms of registration. We heard from Democratic Audit last week. Dr Stuart Wilks-Heeg, I think, talked of a profound impact on voter registration levels from this proposed legislation and he was estimating a 20% fall in those on the electoral roll. Yesterday, at a meeting of Members of Parliament, Jenny Watson from the Electoral Commission suggested that the logic of the voter registration system, as currently laid out, might lead to a 30% fall—i.e. from 90% to 60% of those registered to vote. I am not asking you to put a precise percentage on it, but if you could explore, in terms of the number of our citizens registered to vote, the consequences of the legislation as it currently stands, I would be interested to hear that.

Michel Saminaden: A lot depends on your constituency, where you are located. I can only speak for my own. It is very difficult to say, but we are estimating something like about a 10% drop in the first year. The fact that there is the carry forward, of course the first year for us is the year after the next parliamentary election. That is the one we are gearing up towards and we are looking at maybe 10%. We think that is going to be mainly in the younger people.

Q168 Tristram Hunt: In the Northern Ireland case, it was quite clear about young people, ethnic minority groups and disadvantaged groups. That is where people fell off the register, is that right?

Jocelyn McCarley: Young people, yes. I think there was always a problem getting people registered in the socially deprived areas so that just continued, but young people, yes, they did fall off. When there was a household form and someone was able to fill it in and put the children on the form, as opposed to the young people having to fill in the form themselves, that was a problem.

Q169 Tristram Hunt: The Electoral Commission says, “Those living in areas of high social deprivation were less likely to be registered and encountered specific problems with the new registration process”, so it is class as well as youth?

Jocelyn McCarley: Yes, effectively.

John Turner: I think it is fair to say that I would agree with the previous comment about the nature of the constituency but, in any event, you can generally think that when you do a canvass, you will get an immediate response from people who are happy to fill in forms, and so on, and engage. That response will depend on the type of constituency and it could be anything from 60/40 up to 90/10, meaning that the effort that you then have to put in is on the people who have not responded. If you use that as an indicator, and you take a broad brush average, I would think in these sorts of leafy shire areas you could be talking a drop of 10% or 15%. In inner city areas, I think that what Jenny Watson said is probably somewhere near the mark and there is going to be lots of things in the middle of that.

At the risk of provoking any of you, can I also make a point about the December 2015 register? If you have that sort of drop and your friends at the Boundary Commission then have to do the next boundary review on the next system, it is going to make another major difference to the way in which parliamentary boundaries are drawn, given that the 2015 register, with these potential drops, will be that which is used to settle the new constituency boundaries for 2020.

Q170 Tristram Hunt: Can I pursue that very point? Forgive my ignorance. We have a carry over from 2013/2014 to the May 2015 election, but there is no carry over for the electoral register for December 2015, is that right?

John Turner: That is the proposition, as I understand it. So if you take the consequence of the natural drop, together with this peeling away of the carry forwards that have come through this transitional programme, then you are looking at a much smaller register in

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December 2015, unless a considerable effort is put into getting back the people who you have lost as a result of these two steps.

Q171 Tristram Hunt: When they were elected in May last year, the Government said there was going to be a considerable effort for the December register for the new boundaries and very little happened. In terms of overstretched councils and budgets and all the rest of it, it is going to be very difficult to put the effort in to raise those registration levels probably?

Michel Saminaden: There is traditionally a drop away in interest after a parliamentary election; we see that anyway. So we are contemplating that the 2015 register will be much lower.

Q172 Tristram Hunt: Would your suggestion be then to have the carry over for the December 2015 registration?

John Turner: The saving grace may be the point that has just been made, in the sense that I would anticipate, as was the case for 2010, that there will be a significant interest by people who are not on the register in the run up to the 2015 general election, and they will make efforts to get on. So the register should be at its highest point in the five-year cycle at that point. What worries me is we don't know what the effect of the introduction of individual registration will have achieved and, at this stage, we certainly cannot anticipate what the carry forward drop out will be. So if that effort in getting the register to its highest possible level in 2015 is not sustained by some other means, the drop off by December 2015 could be a very large one indeed.

Q173 Tristram Hunt: Given the botched, ridiculous and absurd nature of the Government's legislation when it comes to boundary reviews—i.e. it is all about numbers rather than identity, locality and a sense of place—some of us argued for all these things during the passage of the Bill; poor Andrew Turner, you know, "Save the Isle of Wight". The drop in numbers will be even more marked for how constituencies are then carved up, and it will all be about the numbers.

John Turner: That part of the legislation has not changed, yes.

Q174 Tristram Hunt: Yes, as we contemplate this, could I finally touch on this issue of compulsion? There is a very interesting example in the Vale of Clwyd. One of our colleagues increased voter registration, quite markedly, by having large red letters from Electoral Registration Officers talking about potential fines and passing matters on to the council legal department and all the other potential prospects of prosecution, which rarely ever go through, but increased voter registration quite profoundly. If, as the Government wants, voting becomes a personal choice, like signing up for your Nectar card or whatever, do you think in a sense that that will have a cultural effect on how people regard voting, how people regard their duties in terms of the ballot box?

Michel Saminaden: Definitely. It is one of the two biggest areas that we have concerns over; exactly that.

You could not put it better. It is a cultural effect, because at the moment, culturally, people know they have to register. As I said earlier, it is an important letter that you get but if it becomes just another letter, which you can ignore if you want to ignore, many people may. I think there is a potential real impact on the numbers, and the attitude towards electoral registration and, consequently, voting; so yes, it is a big thing.

Another small thing is the household enquiry form. It needs some clarity, really, because that is compulsory. So each year at the end of the canvass—as it is now called, a HEF—it is compulsory to send that back, but will the head of the household have to include those people who have already told us the year before that they don't want to be pestered by us anymore? I am not sure about that really. I think they would have to because I think it is their duty to, but there may be some comeback for people who have already told us they don't want to be included. There is bit of a dichotomy there that needs to be sorted as well.

Jocelyn McCarley: Yes, I agree wholeheartedly with that. It seems wrong. We are trying to enforce that this is very important, this is the electoral register, this is the basis of democracy and then we are saying, "But don't worry if you don't want to fill that in"; it doesn't seem right at all. As I mentioned earlier, we will write to people, and when we write to people we say, "Enclosed is an electoral registration form, "The benefits of being registered are that you can vote". We also have an electoral identity card in Northern Ireland that we would offer, but there is nothing else to encourage people to register and you are more or less saying, "Well, it really doesn't matter". It seems totally wrong to me as well. Yes.

John Turner: I would agree with my two colleagues. More particularly, I do think there are some deterrent effects as well. There is one that I have raised with Cabinet Office officials that still concerns me, because I am not sure it has been tackled. This is the question of juries. I know it is not a matter for your Committee, but it does strike me that if you pick up the cultural issue and you give people the option of not being on the electoral register, which is used in England, and I assume in Wales, for summoning juries, you are going to end up with a situation where people will soon work out that, "I'm not going to bother to respond now. If I fancy voting in May, I will register just before the election".

Of course, that will not be on the register used for summoning juries. If you don't fancy sitting for weeks on end at a very interesting fraud trial, is this not an effective way to avoid that civic responsibility, while at the same time having an adverse effect on the democratic process in terms of the percentage registered on the electoral register? So I think that is a side matter that is perhaps outside the scope of what you are considering, but is an important matter to me because I think people will soon work this one out for themselves.

Michel Saminaden: Another small side matter is that we are being told that under section 9A of the Representation of the People Act 1983, we will, as the Electoral Registration Office, still have to send a reminder, still have to send a canvasser to knock on

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the door twice. I think that just makes the canvasser's job—which is already very difficult—a lot more difficult if they can't say, "Well, it is your duty to do this". It will be just, "Go away, we're not bothering". I think it just makes it more difficult.

Q175 Chair: Thank you. John. Let me just get this clear. As Chief Executive of the Association of Electoral Administrators, your view is that the fall in prosperous areas in the level of registration will be, according to your estimate—and obviously I am not going to hold you directly to a precise number—about 10% to 15%. Your estimate for a poorer inner city or, in my case, for example, an outer city set of estates, you would not disagree with that being—around 30%, it will be, I suppose? Are we about in the right area?

John Turner: You only have to look at canvass returns and the percentage of estimated eligibility now in different constituencies, as reported annually by the ONS. If you peel that back, the difficulty in canvassing these sort of areas you have alluded to as opposed a leafy shire, then the figures will stack up for themselves. I certainly could not be held to say, "It will be X% here and Y% there", but it seems to me that the lessons of the last 30 years are that it is easier to canvass in some places than in others, therefore the response rates are higher in some places than others. There is a resource implication as well. We know that local government is not immune from the current financial situation, and I think it will be difficult for them to go the extra step that would otherwise achieve more parity.

Chair: But you are now at this point, well before it happens, hoisting some very strong warning flags for our democratic process. I had not quite comprehended the depth of the possible change that might be on the way, which is why I asked the question.

In terms of resources, I think Andrew may have a couple of questions.

Q176 Andrew Griffiths: What is the cost for councils of moving from household to individual registration and will the money be in place?

John Turner: We understand that the cost of transition and implementation will be met by central government. So long as that is honoured, there should not be a problem. The real issue I have is that the cost hasn't yet reached the final detail, because it cannot without the regulations I was talking about, and unless we have the detailed system how can we possibly cost it?

There are certain assumptions made in the impact assessment that the Cabinet Office did that have not yet been tested, so my caveat on that first comment is that central government still has some work to do here to ensure that the costings are robust—and more particularly that, once that is settled, the money provided for the transition and implementation finds its way into electoral services and not just into local authority coffers. There is a record in history of money being provided for these specific services that sometimes does not get to the coalface. If that were to happen in this situation then there would be problems for local authorities, given the problems they currently face in this financial climate.

Michel Saminaden: This is an important area that I need to say something about, because local government is being crucified at the moment in terms of its resources. We are all having huge cuts, we are scraping all the barrels dry, and it was good to hear that the Government have said that they will be funding this transition. They will put in something like £100 million.

I have been asked by my fellow Electoral Registration Officers—those who are not chief executives, those who can't direct where these resources go—that there is some sort of direction given on these funds, that they are used for the purpose for which they are given to local authorities. Not every Returning Officer or Electoral Registration Officer is a chief executive, and so they are fighting for these funds as they are for everything else. So there is that plea.

In terms of ongoing, there will be additional resource, there is no doubt, because we will be talking with many tens of thousands more electors rather than the individuals. I think that is not the big problem. The real big problem is the actual transition where there is a lot of extra work, and obviously lots of extra postage—all sorts of new systems to be brought in. So the plea is really to do some sort of ring-fencing; I know that word is not liked by anybody, but some sort of direction that the funds should be used for those purposes.

Chair: Jocelyn, do you have a comment?

Jocelyn McCarley: In Northern Ireland, we certainly had sufficient resources to bring in individual registration. I think the problem was, as electoral administrators, we probably underestimated the amount of resources we would need in terms of staff. The volume of forms coming into the office was a bit of a shock; it all needed the data input. It was more from that point of view, but money was there when individual registration was introduced. I have to say that, like yourselves, we are now very much restrained.

Mrs Laing asked me earlier whether we followed up letters. No, because we don't have the resources to keep doing that. We are trying to cover schools; we are trying to do all the things we have to do. So yes, we are tied a bit now to keep following up on things.

Q177 Mr Turner: What are the rules for the disposal of personal identifiers and what is happening? Presumably, you receive personal identifiers. What happens then?

Jocelyn McCarley: We hold them because in the legislation if someone then applies for a postal vote we have to check those identifiers against the identifiers given on the absent vote form, so the legislation is slightly different than in GB. But we have to compare with the identifiers given on the registration form and, as we don't really know who is going to apply for a postal vote, we retain them all. We use them extensively to check against duplicates on the register and things like that as well.

Mr Turner: So you retain them indefinitely?

Jocelyn McCarley: We do.

Mr Turner: For colleagues?

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Michel Saminaden: I think the proposal is that the National Insurance number will be destroyed after six months, but the date of birth will be retained.

John Turner: Yes, that is right.

Q178 Mr Turner: Crudely, are you capable of doing that? Are councils capable of destroying things that they are meant to destroy?

Michel Saminaden: We are capable, certainly, yes.

Mr Turner: But does it happen?

Michel Saminaden: It does if we are told to, yes, absolutely. I don't see why—it defies a bit of logic, really, as to why we should, but if we are told to, we will. We will destroy them.

Mr Turner: I am not suggesting you are not doing it intentionally, but things go wrong.

Michel Saminaden: Yes, absolutely, things can go wrong but, in general terms, if we have a data file and we are told to destroy it then we can destroy and we will destroy it. The industry will do it for us.

Mr Turner: Yes. The question was is it going to happen?

Jocelyn McCarley: Yes.

Michel Saminaden: It will happen. Definitely, if it is the law, we will abide by the law.

Q179 Mr Turner: I must say I have a relationship with council and the PCT, which are not necessarily getting it all right. Surely you have the same concerns?

Michel Saminaden: Not over this one, no. No, absolutely not. This will be an easy thing to do. I am not saying we would want to do it, but if we are told to do it it will be an easy thing to do. They will be kept in a separate file and that file will be destroyed.

Q180 Mr Turner: Okay. Finally, should the Electoral Commission be given powers to deal with Electoral Registration Officers who fail to discharge their duties and, more to the point, how many of them are there?

Michel Saminaden: How many Electoral Registration Officers?

Mr Turner: Yes, who are not doing their job?

Michel Saminaden: None, I would say. As an Electoral Registration Officer, I think the question of the Electoral Commission having power over Electoral Registration Officers is a difficult one because Electoral Registration Officers are council officers. Returning Officers are not; Electoral Registration Officers are. They are accountable to the council. There is a leader of council and the Cabinet, and so on, so I think that is where any disciplinary issues should happen if that were the case.

How many are not doing their job properly? There are some I am sure, but very few. Mostly it works very well, most elections work very well. I would say nothing is perfect but I think we have a very good system, with good officers.

John Turner: Yes, I share that view. The Electoral Registration Officers and Returning Officers are statutory officeholders under statute and they have duties to perform. There are steps in the legislation that can be taken if they do not, and the Commission have the parallel track of being able to report on performance anyway, which they have recently done

on Electoral Registration Officers. I think it then finds its way through the sausage machine.

Mr Turner: Thank you very much.

Q181 Chair: Thank you, Andrew. We are coming to the end now, but John, in particular, I want to just ask whether you have any views on this ongoing consultation on other electoral administration issues. You have the floor, so if you want to take the opportunity to mention those, now is a good time. Then I will ask your colleagues if they have any final remarks.

John Turner: The ones that were previously published to do with timetable, polling district and polling place reviews, and this business of joint candidates being able to use emblems, we are fully supportive of all those. They are things that need to be corrected, because I am sure they have just crept through the thing. More latterly, the things to do with the postal vote application deadline are not as straightforward as simply changing the date; you can just create another period of pressure. We are looking at those and we will respond in due course on that point. We certainly support the thing about bringing forward the agent appointments.

In terms of the matters announced in the ministerial statement yesterday, we would support the suggestion that the automatic postponement of parish and community council should go. It seems that it is appropriate and we have already demonstrated here that it can be handled quite easily, so I don't think that postponement of three weeks is at all helpful. The 100% checking of PVI's; we have talked about PVI's. Most Returning Officers now do that anyway. It is the guidance that the Electoral Commission gives and is generally supported and there does need to be a get out of jail card there, because they can—

Chair: Or a go to bed card, in the case of parliamentary diehards.

John Turner: With Mrs Laing here, I wouldn't dare get into the arguments about what time you finish and start. The emergency proxy voting facility, once again, seems perfectly sensible and will help people who are called away at short notice.

Q182 Chair: One issue that we will be looking at in the not too distant future is the role of Electoral Returning Officers in disqualifying votes—certainly in mayoral elections, as compared to parliamentary elections, where there is a handful of votes. In mayoral elections, there has been sort of four figures in various places, some of them larger levels of disqualification than the majorities of the winning candidates. Have you any view on that? Do you feel the reasonableness test should apply to mayoral just as it does to parliamentary?

John Turner: I think that there is always an issue where people are disenfranchised and I think there needs to be some work done about why that should be the case. The current postal voter identifier process, of itself, lends to disenfranchisement because of this matching of signatures and dates of birth, where the data was given up to five years ago. People's signatures change, particularly older people do have difficulty in terms of completing these forms, and if

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that leads to an otherwise valid vote being rejected then, yes, I am concerned about it. I think we do need to revisit that issue to ensure that, generally speaking, a good vote should be counted without it being disqualified for what I might call more bureaucratic reasons.

Q183 Chair: Do you accept that conventionally cast votes are now being disqualified, when it is patently obvious to the candidate of all parties that it is a vote for a particular party?

John Turner: Yes, and that is because as previously said the law, as read, has to be followed and that this is a case where the law needs to be changed.

Chair: Thank you. Any final comments?

Michel Saminaden: Can I come in? As a Returning Officer who does have to look at votes regularly, the mayoral system uses the most idiotic system of supplementary vote I have ever seen. Most of those votes are disqualified because people vote for a second preference and not the first. The law tells you that you have to disqualify that. So if you analyse it, you will find that is the reason why the vast majority of the mayoral votes are not counted, because people

did not vote for the first, they just voted for the second.

Chair: So I think you are rightly passing the ball back to us to—

Michel Saminaden: A couple of other very quick issues.

Chair: If you could be quick because we have another witness.

Michel Saminaden: It is the use of the register. I can't be in front of you without telling you that we have real concerns about commercial use of the register, real concerns about this opting out of the full register. We think it should be an opting in to a commercial register and we have always felt that that needs to be said, and that is about registration. All of this registration thing is very laudable, and it is really good, but nothing will stop me from going to a polling station next May and saying to someone, "My name is John Smith from 43 Acacia Avenue" and getting that vote and voting. It does nothing at all to help that. Our system is fraught and it is open to fraud.

Chair: Thank you very much indeed for your time, Michel, Jocelyn, John. It has been extremely informative. Thank you so much for coming today.

Examination of Witnesses

Witnesses: **Jenny Watson**, Chair, **Peter Wardle**, Chief Executive, and **Andrew Scallan**, Director of Electoral Administration and Boundaries, Electoral Commission, gave evidence.

Q184 Chair: Jenny, how are you? Welcome. Andrew, Peter, welcome back. Good to see you. Jenny, I understand you wanted to say a couple of things as opening remarks before we ask questions.

Jenny Watson: Yes.

Chair: Fire away. You are very welcome to the Committee this morning.

Jenny Watson: Thank you for the opportunity to come and talk to you. Can I start by introducing my colleagues, who I think most of you have met before? To my right is Peter Wardle, The Electoral Commission's Chief Executive, and to my left is Andrew Scallan, the Director of Electoral Administration.

I thought it might be helpful to the Committee if I just briefly outlined our position on individual electoral registration. We welcome individual electoral registration. It is the right thing for us to take responsibility for our own votes and it is also the right thing to do because the system is vulnerable to fraud, but it is the biggest change since the universal franchise, therefore it will need careful planning and implementation. That change, just to give you the scale of it, will mean 46 million electors providing their details, broadly speaking, over a two-year period. I think it is inevitable that during this evidence session we will focus more about what we think needs to be addressed, so I would like to start by welcoming the Government's clear emphasis on the importance of both the accuracy and the completeness of the electoral register. As I think you understand, our formal White Paper response has not yet been submitted but the evidence that we will give you today is a clear indication of our thinking.

If I can perhaps just turn specifically to implementation, particularly the transition phase. We acknowledge that this is a difficult process. It is a challenge to move from household registration to individual registration, but we do have some concerns about what is proposed. Specifically, we believe the Government should carefully consider having a full annual canvass in 2014 because this will provide an opportunity to explain to electors the changes that are coming and help to maintain completeness. We believe the proposal to allow voters to opt out during the transition period is confusing. We think it is time for the edited register to go; it is confusing and this change is a chance to get rid of it. Finally, it is essential that the Government finds a way of checking duplicate entries on the register if people are to have confidence in the new system. Staying with implementation for a moment, it is also essential that there is a plan for the implementation of individual electoral registration by March 2012 and that the necessary legislation is in place by December 2012, in order for Electoral Registration Officers to be able to deliver the scale of the change and have certainty about that.

Turning specifically to the role of the Commission and what we will be doing to support the move to individual registration, we will be carrying out research on the current state of the registers; we will be running a public awareness campaign to tell voters what is happening, what they will need to do, what they can expect. We will be revising our performance standards framework for Electoral Registration Officers, and we also expect to be testing with voters and providing to Registration Officers the templates

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of the various forms that people will need to use during the process. This is a significant change and it is important to us that voters, wherever they live, can expect a consistent, high quality service and our performance standards will play an important role in this. In all of our work around individual registration, we will be working to assess not only whether the change delivers a greater degree of accuracy of the registers but also the same high standards of completeness that currently we expect.

Perhaps I can finish with a final word about the philosophy behind the White Paper and the role of individuals. We acknowledge that, legally, whether or not to register and to vote is a matter of individual choice, but it is compulsory to provide Registration Officers with the information that they need to compile a register that is as accurate and as complete as possible. I think we have an important civic tradition in the UK; we all share that responsibility for ensuring that the register is as accurate as possible. That is the case even in Northern Ireland at the moment, where there is individual electoral registration but there is no opt out.

The register performs an important civic function, beyond enabling us to vote, and those functions are also important in a democracy. It ensures the public are counted for purposes of representation and drawing boundaries. It ensures that political parties and candidates can contact electors and try and persuade them to vote, and of course it is the register from which potential jurors are drawn. It is also used in law for the purpose of credit reference agency checks and for detecting fraud. Therefore the Government's position on the opt out may lead to unforeseen consequences, which the Committee may want to explore. For instance, it would be logical to suggest that those who don't vote in elections may not see the point of registering to vote and it is possible, therefore, that the register could go from around a 90% completeness that we currently have to around, say, a 60% completeness, 65% being the most recent Westminster general election turnout. I think that would be something that would concern us all.

I am very happy for us to answer any questions that you have, Mr Chairman.

Q185 Chair: Thank you, Jenny. The Committee is not easily shocked, or perhaps I should say I am not easily shocked, but I have to say, having just heard Mr John Turner of the Association of Electoral Administrators give a comparable figure to your own, I was rather taken aback by the impact on our democracy, frankly. I had not expected figures of the sort that you have just mentioned and Mr Turner has just mentioned. Are you, in effect four years before the next parliamentary election, warning us, in the nicest possible way, that there could be some very profound impacts unless we get this right?

Jenny Watson: I am not making a prediction. That is important. I think what we are trying to do is look at the other purposes for which the register is used and think perhaps about the unforeseen consequences that having an opt out might produce. It would be logical to think that, if you don't see the point in voting or you don't expect that you will turn out—perhaps not

only for a general election to the Westminster Parliament; there are, of course many other elections—then you may choose to exercise that opt out. We have to think through the consequences of what that might be. It is also important—and again, John Turner may have spoken about this—to think about how we go into the transition period with as complete a register as we can, which is what takes us to the proposal for keeping the annual canvass.

Q186 Chair: But unless we get a grip on this, it is a possibility that fewer than two-thirds of the people of this country will be registered to vote at the next general election?

Jenny Watson: The register that will be used for the general election in 2015 of course will have the carry forward provision, and we know from Northern Ireland that what caused the drop in entries in the register in Northern Ireland was largely the absence of a carry forward. This proposal does have a carry forward, so we wouldn't expect people to be dropping off the register before the next general election in 2015 unless they want an absent vote and are not able to provide personal identifiers. It is certainly true that, in the future, the consequences might be that fewer people are on that register. Does that answer your question?

Chair: It answers my question but not my concerns, and that is a matter for us and this House to take account of.

Q187 Stephen Williams: I was going to ask an open question about what you see as the risks but you have essentially answered that, so I will go down into the detail. I follow on from what you, Chairman, were just saying and what Jenny answered in response. The carry over from 2013/2014 will be available in 2015, when we are all up for election—those of us who still have seats in 2015—but of course a lot of those people, although they will be on the register, won't be living in the same place. Certainly in a city centre constituency, every time I vote myself I see people turn up and they have come to where they used to vote but they have moved and they get told to go somewhere else. Surely there is going to be that on a huge scale in urban areas next time if the register is effectively quite stale?

Jenny Watson: Yes, and that speaks very nicely to our proposal for keeping the annual counts; either Peter or Andrew may want to come in at some point. Perhaps I could start by saying that we know there are around 5 million changes to the register in any 12-month period and the majority of those will be due to people moving house. If we think about the period between the 2013 register and the 2014 register, when individual electoral registration and transition starts, we know that that will already have decayed in accuracy by around 5 to 6 percentage points. That means around 2 million to 3 million people will probably have moved in that time. What that does not do is address the variability of that figure throughout the country. I think we know from our evidence that, in around 281 local authorities, the number of changes on their registers, which are due to home movers, would be 10% or more. That is obviously going to be

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greater in urban areas. Andrew, do you want to say any more about that?

Andrew Scallan: I think I will just add that what we are saying here is that it is crucial that when you embark on this exercise of individual registration, which as Jenny has said we very much support, you start off with a baseline that is as accurate as possible. Having the canvass in 2014, at whatever time precisely in 2014, is demonstrably the best way of establishing the best baseline information. It has not deteriorated over the period that Jenny has explained, so it gives you the best opportunity to start asking individuals for their personal identifiers.

Peter Wardle: If I can just come in. It summed it up for me in the impact assessment that the Government published with the White Paper. They say the June 2014 register, the one that will be used as the basis for the 2014 write-out, is likely to contain inaccuracies. Approximately 20% of people eligible to re-register under IER may not be invited in that invitation process. That is a very large number of electors to set against the potential savings of not carrying out an annual canvass, and that is what we are concerned about.

Jenny Watson: We know that by far the best way of catching those home movers—the annual canvass is pretty efficient at catching those home movers. There are some things that we can do through campaign activity, but without a canvass there is a hole to fill.

Q188 Stephen Williams: So if there were a hierarchy of risks in this process, when an awful lot of other changes are going on as well in that two-year period, is that what you put at the top of your wish list for the Government to act on—reinstating the 2014 canvass?

Jenny Watson: Certainly in the transition period there are a number of things that we would want. We would like to see a clear plan because, at the moment, there is not a clear plan and Electoral Registration Officers will need that and we will need that. We would like to see the annual canvass in 2014. We would like to see, regardless of what Parliament may decide on the opt out, the provision to opt out in the transition period to be removed, because it is confusing. As I said, we have wider concerns about moving away from the current approach that gives us all a responsibility for making the registers as accurate as possible.

Q189 Stephen Williams: That was three things. Would the hierarchy be canvass reinstated, opt out stopped for the transition period? I am just trying to summarise what you are saying.

Jenny Watson: Certainly a key priority would be to keep the annual canvass in 2014, yes.

Q190 Stephen Williams: Can I go on to another risk that I don't think we have touched on in previous sessions? This is the third time we have looked at this issue. Of course, since the Committee last met, we have all been absorbed in the details of boundary changes, which I don't have a vested interest in because I am happy with boundary change and the city of Bristol doesn't have any cross-border issues

into neighbouring authorities, but many other colleagues will now have that. So you can have a parliamentary constituency, hypothetically, where perhaps three electoral regimes—for a district council, say, maybe a unitary authority and a county council perhaps, or whatever—might have responsibility for one parliamentary seat, which we have not really had on any big scale before. Is there a risk there that the integrity of the parliamentary register and administration of the general election in 2015 will be at risk?

Jenny Watson: I think that speaks to another risk that we identified in our written evidence, which is that currently we have a performance standards regime so we are able to monitor the performance of EROs. Andrew may want to say more about the progress of that performance standards work over the past three years. Currently, we have no ability to intervene to ask an Electoral Registration Officer to do anything, or put anything right, if we think that they are not doing what they should be or they are not on track. Perhaps that particularly matters during the transition to individual registration because there is a lot that needs to be done; it needs to be done consistently across the country. For example, voters need to be offered the same mechanisms to confirm registration or to provide their details throughout Great Britain. It is no use some EROs saying, "We're going to offer this" others saying, "We're going to offer that". So the consistency point is very important and I think all of you would rightly expect that in your constituencies you would have consistent performance of the register, whichever local authority it was drawn from. I don't think we will be able to achieve that unless we have a greater ability to intervene. At the moment, the principle of that power is not accepted, and I would ask for the Committee's support in helping us get to the stage where the principle of us having a power to intervene could be accepted.

Do you want to just briefly say anything else about performance standards?

Andrew Scallan: Yes. We have had performance standards for three years, and what our performance standards were designed to do was to make sure that there was good planning and organisation, and that EROs were carrying out all the functions that were required of them. We had issues around public awareness and making sure that they were looking at accurate databases for addresses and they were getting information from as wide a range of sources as possible. What we have done over three years has seen a steady improvement in EROs' performance. I think the challenge will be, when we change the performance standards to reflect the new framework that we will be working to, to make sure that we use everything we can to make sure that there is consistency.

Constituency boundaries crossing local authority boundaries are not new but I understand that there are now some spectacular complications. As Jenny said, that issue of consistency is crucial because there are things that EROs can do to make sure that their registers have as many people on as possible, but some very small administrative issues could result in a differentiation within particular wards that will create

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constituencies. So it is important that we have the ability to set the standards correctly to make sure that everything is going out but also intervene, in a timely fashion, and try and make EROs do what we think they need to do to achieve that consistency.

Jenny Watson: Currently, we have the ability to ask the Secretary of State to issue a direction, but I don't know that any of us would necessarily think that that would be the fastest way to get a change to happen. Timeliness might be quite important. I should perhaps just draw your attention to the fact that, despite the fact that we have seen progress in performance standards, I think we said in our evidence that we still have around 45 Electoral Registration Officers where we have seen no improvement in aspects of their performance over that time. They are meeting the standards but there has been no improvement in one or other of the standards, and I don't think that we have the latitude in the transition to individual electoral registration to continue in the way that we have so far.

Q191 Stephen Williams: Is that an internal assessment that you do or is it something you publish? Do you say, "X local authority is an exemplar in its field and does all these good things, yet Y local authority is pretty terrible"? Is that in the public domain?

Jenny Watson: We do publish it. We publish a report on our performance standards every year. In fact, we recently published an interim report where we had some concerns about Electoral Registration Officers and we can make sure that that is sent to the Committee.

Q192 Stephen Williams: I think that is probably something we would be interested in. A final question: what would you say is the main constraint on Electoral Registration Officers and their departments, if they have one, on improving their performance? Is it the fact that they don't have the big stick regulator, which you would like to be, hanging over their heads, is it budgets or is it just variability in the quality of the staff and other responsibilities they may have in small district councils to discharge their duties?

Jenny Watson: Let me just correct you: I don't want to be a big stick regulator. What I would like us to be is to have a backstop power that we can use if we need it, but having said that I would ask Andrew to answer the question.

Andrew Scallan: It is not a terribly helpful answer. I think it is all of the above, given that there are 387 Electoral Registration Officers. There is such a variety of authority size and staff complements, from authorities with electorates of 38,000, to electorates of 750,000. So you have such a wide variety and different responses. I know from your earlier evidence that individual Electoral Registration Officers have taken their responsibilities differently and so there is variability across the country.

Jenny Watson: We will be doing a survey, which I think we will be publishing in 2014, asking people if they have adequate resources to carry out their role as an ERO. So that evidence will also be in the public domain.

Chair: I have to put on the record that that wasn't a planted question by the Chairman about moving from one Electoral Registration Officer to three, but I am very grateful that the question was asked.

Stephen Williams: I have no vested interest; that is why I thought I would ask it on behalf of others.

Q193 Andrew Griffiths: Thank you for coming in today. Jenny, you have touched a few times on the lack of power to intervene—that you don't feel you have enough of a stick to be able to wield at certain times. Can you be a little bit more specific about that? Can you tell us what discussions you have had with government about the powers that you feel you need—what those powers are and what the government response has been to date?

Jenny Watson: I think it would be more helpful for Andrew to answer that because he is having those conversations.

Andrew Scallan: Yes. What we have is a power to publish a report that explains how Electoral Registration Officers are performing. That is a power to name and shame, to put it crudely. As Jenny has said, the Secretary of State has a power to direct individual Electoral Registration Officers, or all Electoral Registration Officers, on a recommendation from The Electoral Commission. What we don't have a power to do, other than the power of persuasion, is to go in and, if we discover that a local authority is not providing to the Electoral Registration Officer sufficient funds to carry out their functions, to make people do things; we have no power to do that.

The issue for the register is that it is not something over which you want to allow a long term for improvement. The register is compiled in a fairly short period of time and relates to an election that is going to take place a fairly short time afterwards. What we are concerned to do is to intervene in a timely fashion to make sure that action is taken so that, when it is published, the electoral register is as accurate and as complete as possible and then when it is used for an election it is in as good order as it can be.

Jenny Watson: To give you perhaps an example that relates specifically to individual registration, one of the things that people are going to be asked to do is to provide more personal data, National Insurance numbers. It will be very important for the public to know that that data is being used correctly, stored safely. There are a bundle of issues around that. If in the transition phase we were to find in a particular authority—I don't suggest we would—that we thought there were aspects around that that were not being well managed we would have no ability, other than shouting it from the rooftops, to make any change happen. It might be in that case that that would be sufficient. I suspect it wouldn't inspire confidence in the performance of that person. It might be better to have a different kind of route that would enable action to be taken that didn't run the risk of that public undermining of confidence.

Q194 Andrew Griffiths: The government response to those points you made—what have government said so far when you have asked for those powers?

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Andrew Scallan: They are under consideration. It is a continuing dialogue we're having with Government now for some time, both in connection with electoral registration and with elections.

Q195 Andrew Griffiths: Can we talk about personal identification? We have heard from a number of witnesses previously that they have some concerns about people's ability to provide a National Insurance number as their way of identifying themselves. We have had suggestions that there might be other forms of identification that could be used—particularly for older people, for instance, who may not have their NI number at hand. Have you thought about that? Do you have any views on the current proposal?

Jenny Watson: The first thing to say is that we know, from the work that we have done in asking people whether they think they would be able to find their National Insurance number or know it already, that the majority people either know it or know where to find it. I think from the last question that we asked on that, around 74% of people said that they thought they could provide that information if they needed to. Having said that—

Q196 Andrew Griffiths: 74%?

Jenny Watson: Yes, from—

Andrew Griffiths: That is still 26% of people who couldn't.

Jenny Watson: There are people who say they don't know or at the moment would say they couldn't. One of the things we said in the evidence is that, for those people who cannot provide a National Insurance number, there needs to be a simple and easy process for them to find the right level of information to support their identity in order to be able to go on the register. The system that works in Northern Ireland at the present looks to us as if it might be a good model to follow, which is two pieces of other identifying information or, as a last resort, to be able to attest to your identity. We are very aware of those issues, and I know you have heard evidence from, particularly, organisations who might speak for disabled people and work with older people. We are already talking to—and Peter may want to say more about this—some of those organisations to think about how we might work with them. Do you want to add anything to that?

Peter Wardle: Yes. Clearly it is a problem. Some people don't have a National Insurance number. Some people certainly may have had one but don't know it or can't find it. So I think our position is that the National Insurance number is agreed to be the best available, easy, straightforward check of identity and that is the main thing it introduces. It means that when somebody applies to go on the electoral register there can be a check made reasonably straightforwardly against a single database that says, "It looks as though this is not a bogus entry". That tackles the accuracy issue with the electoral register that we have talked about and which there is evidence in the Government's White Paper about some of the problems with that, both in relation to election fraud and, more widely, identity and economic fraud. Where somebody does not have or can't find their National

Insurance number, there clearly has to be an alternative.

Just two points: one is that we have said in our evidence to the Committee that we think the Government's approach, which is to almost move into a separate regime if somebody can't find their National Insurance number, seems onerous. We think it is better to have a smoother transition—to say, "First question, do you have a National Insurance number? Can you produce it?" If the answer is, "No, I cannot or I have not" then there is a clear alternative. It just seems that we can come up with a smoother process there.

The second point is that we are a bit concerned at some of the language in the White Paper, which seems to suggest that if people choose not to provide their National Insurance number they can get a free pass to a less secure method of identity. We are concerned about that because it is going to undermine the point of improving the accuracy of the register. That may be language in the White Paper, but it is one of the points we have highlighted and we will certainly be highlighting when we go back to the Government.

We want a very clear position that says, "If we think the National Insurance number is the right thing, that should be the starting point. We will make it as easy as possible and explain to people". That 26% of people were just asked on the street, "Do you know where it is?" I suspect it would be better in the context of public awareness campaigns that say why this is important and will help people to find it.

Jenny Watson: We would expect to be working with charities like Age UK, people like Scope, organisations like that who can help get a message to the people that they are working with and can support people to be able to fill in the forms. One of the things that has been raised with us, for example, is that if somebody is in residential care they are unlikely to have a utility bill or something like that with their identity on, so there does need to be a process that can allow for that. One of the things we have learnt from Northern Ireland is that house-to-house canvasses played quite an important role there in helping some people to fill in forms where they weren't confident with doing that themselves. So I think there is some learning there, which we need to take forward and that again is another reason why the annual canvass in 2014 becomes important.

Q197 Andrew Griffiths: One final question, if I may. Do you have, Jenny, any concerns? We hear some catastrophic predictions about the potential drop-off on the electoral roll. Given the news that has already been alluded to today about boundary changes and the new regime, do you have any concerns about the implications that a drop-off on the register might have for democracy?

Jenny Watson: One of the things that we learnt from Northern Ireland is that, when you introduce individual electoral registration without a carry forward—and thinking about in Northern Ireland a 10 percentage point drop—there is an impact and people do start to ask questions about what has happened to the register. So for us, that is one of the reasons why there are safeguards such as the carry forward,

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keeping the annual canvass, doing everything we can to keep the very high level of completeness that we currently have is so important. I don't have any concerns—

Q198 Andrew Griffiths: In relation to constituency sizes?

Jenny Watson: Constituency sizes, well, the register is always changing, isn't it? At any one time it is a snapshot. So by definition, practically from the moment it is pulled together, there are always people who can come on to it or who will be dying and therefore leaving it. I think that is where our concern about the opt out is relevant. I don't have any doubt at all about the principle of introducing individual electoral registration. It is the right thing to do. It is an outdated system, it is vulnerable to fraud, and it is right that we should take responsibility for our own vote and make sure that we have a system that can deliver that. So the principle of individual registration on its own—I have no doubt about.

Q199 Tristram Hunt: Could I just pursue that issue in the sense of, is it worth the candle? If we are potentially seeing a loss of a third of voters from the electoral register, as you suggest—90% down to 60% to 65%—do the benefits of individual electoral registration outweigh the potential haemorrhage to our democracy?

Jenny Watson: I think we said in our evidence that we would not be comfortable to move away from a method of approach of compiling the register that builds on the tradition that we have in the UK. It is that there is some kind of collective responsibility that we all have to provide that information to make the register as accurate as it possibly can be. There is no reason why we cannot have both a more accurate register—although if I may just raise one point that we are concerned about, there is no ability to check duplicate entries with the Government's current proposal; we would like to hear a bit more about that—and the high levels of completeness that we currently have. There is no reason why you cannot have both with individual registration.

Q200 Tristram Hunt: Yet we saw a drop of 10% in Northern Ireland originally. We heard last week from senior academics of a potential drop of 20%. They were talking of a profound impact. We know, from the history of Northern Ireland, that this hits young people, students, people with learning difficulties, people living in areas of high social deprivation. So again there are potentially profound democratic consequences of this that, arguably, if we can't get it right, outweigh the benefits in terms of fraud and responsibility.

Jenny Watson: You have just talked a lot about what happened in Northern Ireland, and I think we have all learnt a lot from what happened in Northern Ireland and the way in which individual electoral registration was introduced there. So, for example, the 10 percentage point drop we know, from the research that has been done subsequently, was almost entirely due to the lack of a carry forward. There will be a carry forward until after the 2015 general election.

We have learnt from Northern Ireland that data matching can provide a powerful tool to reach some of those groups that you just talked about who are less likely—we know from our own research—to be on the register. We are currently evaluating data matching pilots at the moment. We are not in a position to be able to tell you what that is showing, but we will be by the time that legislation is coming through the House. The other thing, which Andrew might want to say something about, is what we have learnt in Northern Ireland about the brilliant work that can be done with schools to make sure that young people who are attainers can go on to the register. Do you want to say something?

Q201 Chair: Before Andrew comes in, just to pursue Tristram's point, I am not clear now: is the—whatever it was—35% fall, an idea or are you saying it is not going to happen or it may happen unless we do certain things? I am not quite clear about that.

Jenny Watson: What I am saying is that the current proposal allows people, when they receive their form, to tick a box and say, "Not really interested, please don't bother me again", and to be able to do that for each canvass cycle that they receive the form. It is close to giving people an option to, if they choose, opt out of being on the register. With that opt out proposal, it is not illogical to suggest that the people who do not, at that time, think that they want to vote, or perhaps see a point in voting, may choose not to be on the register because they may not think about the—

Chair: That would largely account for your 35% speculation.

Jenny Watson: That would make the difference between the 90%-plus completeness that we now have and the potential for there to be a significant drop. It is not a prediction; it is the potential for that.

Peter Wardle: The 65% figure is simply the turnout at the last general election. If that were to happen, and only the people who were intending to vote in the next general election registered then you would have a figure of 65%. Realistically it will be somewhere between the two.

Chair: Voting numbers and registration numbers are obviously very different. They are two different sets of statistics, aren't they? I am sorry, I am not quite clear, Peter, what you are drawing from the last election.

Peter Wardle: 65% of people voted in the 2010 general election. If the only people who choose to register themselves to vote individually are those who are intending to vote, then you might extrapolate from that that you get a figure of around 65%.

Chair: Registration will drop dramatically but turnout could even be 100%.

Peter Wardle: You would get a 100% turnout on that; registration could drop dramatically.

If I could just go back to Mr Hunt's point, I think the whole thrust of what we are saying at the moment is that there are things we can do to get it right. You said if we don't get it right we could face these real threats to democracy. The whole thrust of what we are saying is there are ways in which we think we can get it right, and that is what we are trying to see at the moment.

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Q202 Tristram Hunt: My fear is what we saw for the boundary review and the figures that they used between May and December, for example—we were promised by the Deputy Prime Minister a big push to get people on the register, so it was all sort of credible, but absolutely nothing happened. There are some excellent people getting people on to the register and providing civil society but also, to be frank—budgets and focus and, “This Government doesn’t seem particularly keen on people voting”—there isn’t a great deal of confidence about whether you would reach those young, disadvantaged, disabled communities who will be falling off the register.

Jenny Watson: There are a number of responses to that. Obviously, our campaigns that we run, year on year, very often do target precisely those groups of people who are not on the register. If I think about the campaign we ran before the last Westminster general election, including on social media like Facebook, we had 500,000 voter registration forms downloaded from our site. So I think there are things that you can do. There are Registration Officers who work very hard to make sure that they do have good public participation strategies and they do engage in their communities, but our performance standards will tell you that some don’t work as hard, and again that is where the consistency point comes in. Key for us is, as I keep saying, the annual canvass in 2014, which will make the baseline figure for that transition as complete as it can be.

Q203 Tristram Hunt: Why do you think the Government then doesn’t want the carry over for the December 2015 register, which is, what is going to redraw all the boundaries for 2020?

Jenny Watson: I think that is a question that you are probably best off to put to the Minister when he comes to give evidence to you, rather than me speculating about it.

Q204 Tristram Hunt: Do you think it is a potential problem and fault of the plans that exist at the moment? Having seen the chaos of the current boundary review, at the next one—if, say, we go down to 70% or 75% from where we are at 90%—you are going to have extraordinary new constituencies on this utilitarian, numerical basis that will have a marked effect on the democratic make-up of the constituencies in this country.

Jenny Watson: It is fair to say that our primary concern has been the use of the register for people who want to register to vote in order to be able to cast their vote. For that reason, the carry forward for the election is our priority. What we have tried to do is to draw the Committee’s attention to the wider use to which that register is put and therefore say there may be consequences—unforeseen consequences, I suspect—from those changes to the register.

Our focus on the carry over is for participation in the election, because what we don’t want to see is voters who want to cast a vote turning up a polling station and being told that they have been taken off the register. That would significantly undermine confidence in our democracy and that is why that carry forward is important.

Q205 Tristram Hunt: Okay, last question. I accept the issue about if everyone registers to vote we get down to 65% of those who voted and we have a sort of Ceausescu-style turnout. But being on the electoral roll has other consequences in terms of jury duty, and those people who are not going to be on the electoral roll, who might not be interested in voting but are also now stepping outside of civil society. Is that something Government should be promoting—this swathe of people who are essentially taking themselves out of civil society?

Jenny Watson: I think it is slightly broader than that because, of course, it is also used by credit reference agencies to make credit checks and Parliament has decided that the register can be used for the prevention of fraud. So there are other important consequences. I think that is why, as I say, we are highlighting to you that the opt out, if it is retained, has the potential to make a significant change to the level of completeness of the register, which may have much wider consequences for our democracy. We seem to have presented those arguments to you in a way that means that you are exploring them, and that is what we wanted to do.

Q206 Tristram Hunt: As someone who believes in democracy and whose job is getting people to vote and the counting of those votes in the right and proper way, do you regard voting as a civic duty or a nice personal choice that I might be interested in or I might not be interested in?

Jenny Watson: How I might regard it for myself might be very different from how other people regard it. I think it is great when lots of people vote. I think it is great when you run inspiring campaigns that mean that people want to turn out to vote, but there is a baton change. We have seen our role as being very much about getting people on to the register and then saying, “Well, now it is over to all of you to make people want to turn out and vote for your party”. So my objective is that we keep the high levels of completeness that we currently have and that we have a more accurate register. That is what I am looking for.

Q207 Tristram Hunt: Will there be a cultural change when it goes from being a civic duty to a personal choice? Would you get more people on the register thinking, “This is my duty. If I don’t do that I will get fined £1,000, or do I want to sign up for this like a Nectar card and whatever”?

Jenny Watson: I think what we said in our evidence is that we would not be comfortable with moving away from an approach that says we have a broader responsibility to provide that information to make the registers as accurate as they can be. We are in a pre-legislative scrutiny phase and that is the debate we are currently having with you.

Q208 Simon Hart: You may have answered this while I was out. If so, I apologise. We are talking about the overall effect of the proposals in the numerical sense that Tristram Hunt refers to. Do you see this might have some regional variation, some geographical variation, and if so are you concerned

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that certain areas of Britain may respond differently—urban-suburb and north-south? Do you see variations in that respect that puts a sort of democratic question mark over the proposals?

Jenny Watson: I would say that we already know that there are differences in the rate at which people respond to the annual canvass, so perhaps some figures around that might be the best example. We know that in the annual canvass—when people are sent out a form, and perhaps a first reminder—Registration Officers in London are probably getting around a 60% response rate; out of London, that is probably a response rate in the mid-70s.

With door knocking and a more concerted effort, and all the hard work that goes into that, those figures are probably going to go up to around 90% in London and 95% outside London. So there are some variations already and we know from our work that people who are in private rented sector accommodation, younger people, and some black and ethnic minority communities, are less likely to find their way into the registers. So if you take where those people live, that would indicate to you that there would be some geographic variation.

Simon Hart: Yes, I am very grateful. Thank you.

Jenny Watson: I am conscious that we still haven't had, Andrew, an opportunity to tell Mr Hunt about the brilliant work in Northern Ireland.

Chair: I will bring Andrew in. I have not forgotten you, Andrew, but I do need to get Eleanor in. She has been waiting very patiently.

Q209 Mrs Laing: A very quick question to start with, and this is a subject that I have pursued over several years about the accountability of Returning Officers and Registration Officers. We discussed this half an hour ago. Simply, do you consider that The Electoral Commission needs further powers to be given to them by the Government, in order to ensure the consistency of the way in which Returning Officers and Electoral Registration Officers behave throughout the country?

Jenny Watson: The short answer to that question is yes. The slightly longer answer is that—as I think I said earlier—I don't think the principle of us having those powers is yet accepted. That is where I would ask for the Committee's support because without the powers, particularly around Registration Officers, given that we are talking about individual registration today, I don't think in the time that we have available we have the latitude to allow for people to take time to improve performance, where that needs to change.

Q210 Mrs Laing: You will recall that, before the 2010 general election, when some Returning Officers were simply refusing to follow a general advice that counting should take place as soon as the polls closed in the election, we had to amend primary legislation on the Floor of the House in order to make that happen. As you said earlier, it's surely not the right way to take forward an administrative issue of that kind.

Jenny Watson: That may have been possible in the case of the timing of a count issue. I don't think there is any way that that would be possible for dealing with

individual problems in individual local authorities in the transition to individual registration, no.

Q211 Mrs Laing: Indeed. So further powers are necessary. Thank you.

Coming on to a different aspect—and I say this, Mr Chairman, at the risk of opening a civil liberties can of worms—it has emerged, in the evidence that we have heard over these last few sessions and this morning, that there is a conflict between privacy, data protection and the rights of the individual on one side, and the accuracy and comprehensiveness of the electoral register on the other side. Jenny, you said earlier that we have a civic tradition in which we share responsibilities for compiling a register, but you have also made reference to the fact that the electoral register, which we are discussing, is not just an electoral register. It is used for other purposes. For example, it is used for credit reference agencies, as you have said. It is used in fraud prevention, it is used for selection of juries and it is used—as we are now discovering controversially, of course—for the decision on where boundaries for constituencies should be.

Given that, is there a case for changing the balance of obligation and saying that instead of it being up to the individual to register himself or herself as a voter, that the burden of responsibility should possibly fall upon the Registration Officer to compile a register using data from other sources, which we are now trialling in data sharing pilots? Is there a case for saying that it should be up to the Electoral Registration Officer to compile an accurate Register of Electors—there would have to be another step and then the individual citizen can amend that by saying either, "I shouldn't be on this register" or, "My sister who lives next door should"?

Jenny Watson: I think the challenge with that in our system would be that we have quite a complicated franchise. I don't know, Andrew, if you want to say a little bit more about that.

Andrew Scallan: In many respects, if data matching works, you are almost in a position where you are being given a lot of information about the electorate in its widest sense in your area, so you almost have, if it works, a virtual register. What data matching requires you to do I think is your point, which is to say, "We know that you now live at this address. Do you qualify to go on the electoral register?" The write-out will be, "This is the requirement to be" so you will get the information back.

So I think the data matching and the current data matching powers that people have do almost give the Electoral Registration Officers the power to have that oversight over their entire area. But including people on the register—because you can't have an automatic system, I don't think, simply because you are informed by another agency, "That is someone who has now moved into an address" because you would need to be satisfied about the eligibility to be on the register. You couldn't have an automatic system, so I think there will always be an interaction needed between the ERO and any potential elector.

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Q212 Mrs Laing: You said “almost”, and the point that I am getting at is that reversal of the rebuttable presumption—that if the Registration Officer says, “We have this information. You live at this address. You appear to be aged over 18. You appear to be a UK citizen. You are on the register. Tell us if you shouldn’t be or tell us if other people should be”.

Andrew Scallan: I think there is a danger in an approach that assumes that you are on unless you tell us you aren’t qualified.

Mrs Laing: What is the danger? That is what I am getting at.

Andrew Scallan: The danger is that the register becomes less accurate because you will have people who are not eligible to be on the register. There are nationality issues in terms of registration, in terms of getting on the register in the first place—but then the nationality issues dictate which type of elections you are entitled to take part in.

Peter Wardle: If I can give an example. Effectively, what you are suggesting is what happens with the Council Tax register. The council doesn’t wait for you to say, “Yes, please, I’d like to pay Council Tax”. It says, “We know you live there and we’ll send you the bill”, but the fact—

Q213 Mrs Laing: That would be part of data sharing, wouldn’t it?

Peter Wardle: The fact that they send you a bill means there is a very strong incentive on you to tell them if they are wrong. I think the difficulty with the accuracy of the electoral register is that nothing particularly might happen to you. You might be summoned for jury service, I suppose, but quite a lot of the rest of the things that the electoral register is used for are a bit passive. You might have your boundaries redrawn on the basis of an inaccurate register compiled that way, but the electors would never have any incentive to do anything about it. If they don’t turn out to vote not so much happens directly to the register that gives them the incentive, and I think that is Andrew’s point. Rather than just leaving it there, you would want to at least give a proactive request to the elector to say, “We think you should be on the electoral register. Will you please confirm that your details are right?” I think there is then a wider debate about both what the electoral register is used for beyond voting and the starting point, which is do you reverse the tradition we have had in this country for many, many years, which is that it is a voluntary process. There is no legal obligation to be on an electoral register.

Jenny Watson: It is worth just bearing in mind that the current high levels of completeness we have with that voluntary approach compare favourably. There were almost 8% to 9% of people not present on the register. That is roughly the same comparison with Australia, which does have compulsory voting. So I think we do pretty well, given where we are, notwithstanding Mr Hart’s question about whether that might vary in some places across the country.

Mrs Laing: This is a wider debate. I am just starting it. Thank you.

Q214 Chair: Jenny, how satisfied are you with the Government’s proposals for reform in a number of

other areas on electoral administration? I see from your evidence that there are some gaps. There are also some recent announcements from Government, even in the last 24 hours. Are there things that you would like to take this opportunity, since you are in front of the Committee, to put on the record?

Jenny Watson: There are some things that are welcome. Particularly, we heard yesterday, I think, about the expansion of the ability of people to get proxy votes at short notice. The longer timetable is also welcome, that change. Andrew might want to say a little bit about despatch of postal ballots, because that doesn’t seem to have been addressed and that is significant for service voters and overseas voters.

Chair: I am conscious that I cut Andrew short. He was about to answer when I pursued Tristram’s questions. Andrew, my apologies. Now is your chance.

Andrew Scallan: Thank you, Chair; I hope it is worth waiting for. I think the issue in relation to postal votes is that the registration timetable is separate from the election timetable, and what we want to do—I think we have all welcomed this attention about the election timetable—is make sure that the registration timetable also amends to make sure that postal votes can be issued in a timely fashion. So I think there is still some more work to be done on that, but we certainly welcome the timetable change.

If I might then pursue the other point, and just going back to Mr Hart’s point earlier as well about variations in regions and Jenny’s answer about canvass response rates. One of our performance standards is to make sure that each ERO fully understands the nature of their local authority area, which we would hope they would, and have strategies designed to deal with particular areas, be that rural or inner city issues. That is one of the things that we will continue through as we move forward into individual elector registration. In connection with Northern Ireland and the work that has been done with attainers, I am conscious that the Committee in the previous session heard about the response rate to the write-out to students being about 60%. It was quite interesting, and Mrs Laing pursued the issue of what further action was taken. Really it was a fairly passive response, which was, “We write out once and then we stop”. I think that is quite interesting because the general response rate to the write-out is very often 60% and it is about then pursuing people to try and get their names on the register.

Proposals under individual electoral registration still require the Electoral Registration Officer to carry out their section 9A duties, which is it is never just one attempt unless you get an answer back. So you would write out initially and then you would continue to write to that person and pester them to try and get a positive response. So I think the Northern Ireland experience demonstrated that data matching provided for a huge increase in the number of attainers, but the process that would be gone through in GB under the new regime will require more persistence from the Electoral Registration Officers.

Jenny Watson: There are three other electoral administration provisions, if I may just mention, Mr Chairman. The first is that, when we publish our

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report on the conduct of the polls this May, we will have some more detailed numbers about the number of ballot papers in postal ballots that didn't find their way into the count because the signatures were not matched with the signatures that the ERO had on record. We have previously recommended to government that there be a greater power to refresh signatures or to write to electors and say, "Your signature seems to have changed. Can you give us a fresh one?" I notice that has not yet been taken forward and we still do have a concern that without that there are some electors who are being potentially disenfranchised, particularly thinking about changes in signature with age, which is one of the things that happens.

The second is a point that Mrs Laing referred to earlier, which is not addressing the issue of what happens at close of poll if there is a queue at a polling station at 10.00 pm. The Committee will recall that we had said that we thought that that should be changed to allow anybody queuing to vote. I note that the Government has said that Returning Officer standards should be addressed first. That is fine, as far as it goes, but it is Mrs Laing's point about the ability to ensure that we could still be in a position at the next general election where our advice and guidance is, "Here are some ratios, please follow them" and people say, "Well, I don't want to do that" and there are queues and people can't vote. So that is not very helpful.

Chair: I think there was very strong sympathy around the Committee for that view, if I may say.

Jenny Watson: My final point is that we raised previously in our report at the Westminster general election in May 2010 the issue of the need for government to explore presentation of ID at polling stations, which the Committee will know is currently in place in Northern Ireland and operates with no problems. There is no evidence of anybody being disenfranchised because they can't provide their ID. Of course, one of the issues is, if we diminish the vulnerability to fraud that exists in the registration process, that there is a risk that anybody who might want to seek an opportunity for fraud will go elsewhere where the system may be more vulnerable. Therefore, we do think ID at polling stations is something that needs to be kept on the agenda.

Q215 Chair: Andrew Griffiths led a conversation the other day around the prospect of people being allowed to vote on election day; to register and vote. Do you have a view on that?

Jenny Watson: I think it is not a priority for us at the moment because actually we are focusing on getting to a position where individual electoral registration is implemented differently. Andrew, I don't know if there is anything else you want to say about that.

Andrew Scallan: One of the things that Parliament would have to think about is that—and I pick up Mrs Laing's earlier reference to the speed at which the results were delivered—in countries where that is allowed, you can register at the last moment. Australia and Canada both have provisions like this; there is a provisional result to the election.

For example, I think in Australia if you turn up to vote at the polling station you are given a ballot paper, you are allowed to vote, but it is a bit like being stopped by police in your car. You must turn up at the electoral office within the next week, I think it is, with proof of ID to demonstrate that you were in fact an eligible elector and you were not somebody who had already voted and been ticked off under another name. Of course, that would mean that we would have to wait for the official result of the election.

Q216 Andrew Griffiths: Am I right in thinking that in America you can register to vote on the day and then receive a ballot paper, so that they check your eligibility first and then—

Andrew Scallan: I think that is true in certain states and I believe it is because they have an online link to their driving licence register, which in the country of the automobile is a pretty good proxy for the number of voting citizens.

Q217 Chair: But not dependent on that link. Certainly 20 years ago, prior to online linkage, I was in various parts of the States. It may not be in Presidentials but it may be in other elections. Where there is a will there is a way, I think. A telephone call from the front of the town hall to the back can normally ensure registration and a vote for someone who is eligible.

A final one, Jenny. Since we were all here voting at gone 10.00 pm on Monday and 10.00 pm on Tuesday, I was intrigued by our proposal for advance voting and wondered about what the practical implications of that were, how you would do that.

Jenny Watson: One of the things that consistently has arisen in our post-poll questioning of people as to, "Why did you vote, or, if you didn't vote, why did you not vote?" is that many people say, "On the day I was too busy" or, "I happened not to be there and it would have helped me to be able to vote earlier". So the proposal for advance voting that we have been suggesting was that the Government might think about having a polling station in each constituency—maybe a couple of polling stations in each constituency—which would be available for a period prior to polling day for people who can't turn up and vote in person on polling day.

Peter Wardle: The point about that is that in all advanced democracies, more and more people are choosing not to vote on polling day itself. In quite a lot of other countries, the majority of people who don't vote on polling day vote using an advance voting facility. We don't offer that. We only offer postal voting, and the difference between postal voting and advance voting is that advance voting gives you the same guarantee of supervised secrecy as you get on polling day, whereas postal voting doesn't. We know that there is a significant minority of people who are uncomfortable with postal voting simply because it takes the whole process out of the supervised and secret context.

Jenny Watson: The other debate that I know Parliament has had from time to time is: should there be weekend voting? Of course, advance voting would give the opportunity for those who would find it more

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convenient to vote at a weekend to do so, but also keeping polling day in the week; it would just simply offer a greater opportunity.

Q218 Chair: That may be something I may negotiate with my now three Electoral Registration Officers who I may need to deal with in the future. Jenny, I am going to allow you, if colleagues will allow me to do this, one minute or so just to wind up because I think there has been some information conveyed to the Committee today about the possible impacts, which are pretty significant and pretty profound. Are there any closing remarks that you would like to make to put that in perspective?

Jenny Watson: I think there is only one thing that I would like to say—I am conscious that we have not had very much of an opportunity to discuss it with the

Committee. It is the other side of the coin from the completeness. It is the accuracy point, and one of the things that we said in our written evidence is that we think there needs to be an opportunity to detect duplicate entries in the system. At the moment, that is not there. We are not clear from the Government's proposal how that would happen. I don't want to overstate the risk of what could happen, but I think it would be negligent of me not to suggest to the Committee what is at least a logical possibility if the opt out that is currently proposed were to stay in the way that is there.

Chair: Jenny, Andrew and Peter, thank you very much indeed for your time this morning and for some very thought provoking evidence. Thank you very much indeed and thank you, colleagues.

Thursday 13 October 2011

Members present:

Mr Graham Allen (Chair)

Andrew Griffiths
Sheila Gilmore
Fabian Hamilton
Simon Hart

Tristram Hunt
Mrs Eleanor Laing
Stephen Williams

Examination of Witness

Witness: **Mr Mark Harper MP**, Minister for Political and Constitutional Reform, gave evidence.

Q219 Chair: Mark, we are talking this morning about electoral registration and electoral administration. No doubt there may be colleagues who want to throw in some other stuff, they have not indicated that they will but I do mention it just in case.

Mark Harper: Absolutely fine.

Q220 Chair: You are very welcome, Mark. Would you like to make an opening statement and bring up to date those of us who unfortunately were not able to be at DPM's Questions yesterday? I understand there are one or two possible interesting developments. Welcome, Mark.

Mark Harper: Thank you very much, Mr Chairman. I will just make a brief statement, if I may, and this touches on a couple of the issues that did come up at the Deputy Prime Minister's Questions on Tuesday. I think it is worth saying the Government is very clear, and I made it very clear when I did the oral statement last September, that we are as focused on completeness of the register as we are on accuracy, and that remains the case.

It is also worth saying that the move to individual registration was supported by all the parties in the last Parliament, was in everybody's manifesto, and indeed, I think I am right in saying, looking at a summary of the evidence you have had, that all of the witnesses you have had support the move to individual registration. Obviously one or two of them have some concerns about some of the specific proposals and the detail, but they are all broadly in support of the process.

It is also worth saying that we were not convinced, when we came to office, that the way it had been enacted by the last Parliament and the last Government, of having a parallel running voluntary process first, was very sensible. We thought that would have led to a lot of confusion. It also had a very significant cost, so, by speeding it up, we think it will be clearer and easier to communicate to people what we are doing, and it does save a significant sum of money, about £74 million.

I will just say a couple of things about the issues that I know will come up. Members of the Committee can probe them in more detail. We absolutely take issue with some of the reporting around the idea that a significant number of people will drop off the register as a result of the move to individual registration. That view fails to take into account the lessons that we have learned from the process in Northern Ireland, and I think the witness you had from the Northern Ireland

Electoral Office made the point that one of the key features that we have proposed in our White Paper is around the carry-forward in that first year, to take account of the people that don't register in the first year but that we keep on the register. They said that was critical. They didn't do that in Northern Ireland because of the extra focus they had there on accuracy and some of the problems with fraud, and that is one of the key lessons we have learned. We are also trialling, as you know, data-matching pilots to see the extent to which using some of those other public authority databases can be successful in identifying people who are not registered.

The final area is that we are looking at two different things. One is new methods of registering, so we are looking at online methods. As you know, people can currently, in many local authorities, confirm existing registrations online or by phone or by text, but you cannot do a new registration. For some of the groups who are not registered, particularly young people, if there is a secure online method of new registrations, that may well be particularly helpful.

The other area is to look at other transactions that people do with government. For example, applications for driving licences or passports could be accompanied with an ability to indicate that you want to register to vote, and could be the trigger for you receiving that invitation to register. We are working through some of those proposals with colleagues in other government departments.

The final point, Mr Chairman, is that there were suggestions that we were not doing a canvass exercise in 2014 and there would not be door-to-door canvassing. That is not true. I will set out a little bit more how the canvass in 2014 will be modified in a way that we think will be more successful. Registration officers will also have, amongst all their other powers, an expectation that they will be doing door-to-door canvassing where people do not respond. I think that is all I will say, and I will leave it to the questions to draw out some of those things.

Q221 Chair: I have just a couple of quick things, Mark. You said you take issue with the reporting of the way the evidence was given to us. Do you take issue with any of the accuracy of the evidence from the Electoral Commission and from the Association of Electoral Administrators?

Mark Harper: The point worth making is the point that I think has been confused in some of the reporting, and indeed in some of the points raised at

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DPMQs. There are two different concerns that have been expressed. The concern that the Electoral Commission and the Association of Electoral Administrators raise was around the opt-out, so around the proposal that we had that somebody could indicate in a very straightforward manner, potentially by a tickbox or something, that they wanted to be left alone for that particular annual cycle, and they felt that that made it too easy to not be part of the process. The Deputy Prime Minister indicated on Tuesday that he had some sympathy for those concerns and that we would look at those and change those provisions when we bring forward the final legislation.

The other area that people have tended to mosh together and pretend it is the same thing is this issue around the penalties for not responding to the invitation to canvass, and that is an area where the Electoral Commission has not expressed concern. Indeed, they have been quite supportive of the idea that the move to individual registration is about making people take responsibility for getting registered, and that will be part of the theme of the communication activities that both they and we do in the run-up to the change in 2014. It is worth saying there are two different things there. I am sure members of the Committee will want to probe me on both of them, but they are two distinct things and they should not be muddled up.

Q222 Chair: But as the Electoral Commission and the Association of Electoral Administrators make clear, were there to be no changes to what people assumed was in the White Paper, there would be very significant drops in the number of people on the register. You do not take issue with that, but you do say that there was a misinterpretation and now there has been an amendment and movement, and on both the key issues of the canvass in 2014 and on the tickbox, “Leave me alone”, there has been some substantial and helpful movement forward.

Mark Harper: On the canvass, all of the things that I just set out that will be going on are already in the White Paper. Some people have assumed that there is not going to be any process of contacting electors in 2014 at all, which is not the case. It is one of the most costly bits of the process. It is the opt-out. The Deputy Prime Minister acknowledged that there are concerns around that and that we will respond to those.

On the issue of what the Electoral Commission said, they made it very clear that that was an absolute worst-case scenario that they were talking about. There is no evidence to support that. They were just flagging it up as a concern. It is perfectly right for them to flag it up as a concern. It is worth saying, and they acknowledge this, that the move to individual registration is going to be a challenge in any event, because you are moving from a system where you have one person in the household taking responsibility for registration, and you are going to be getting everybody to have to do it, but everybody believes it is the right thing to do. It is what most countries do, and the Electoral Commission themselves welcome that move and welcome the ability to have that engagement with individual electors to have them take more responsibility. But it will be challenging, and

that is why we all need to work together to make sure we get the proposals right, the implementation right and we do the communication to voters right to make sure that they are clear about what they need to do to be registered to vote, and then hopefully to exercise that vote in due course.

Q223 Chair: I think you can expect Members just to challenge and clarify both the tickbox issue and the 2014 level of canvass as we proceed this morning.

I have a final, technical one. Does the consultation on the White Paper close tomorrow?

Mark Harper: Yes.

Q224 Chair: Given that this has come to public prominence in the very recent past—it has been around for a while but, nonetheless, it has hit the papers in the last few weeks—presumably, Mark, if people do not quite make it by Friday and they get their representations in relatively soon thereafter, you would be open to receive those representations.

Mark Harper: I am not quite sure what the usual process is for tail-end ones, but if they get in in the period we are still looking at, certainly we will try to be as exclusive as possible. Certainly, in terms of the main stakeholder organisations, the Electoral Commission, the AEA, your Committee and a lot of those who work with, particularly, the groups that are under-registered at the moment, I know they either have or will by tomorrow already have submitted their evidence, so I think we will have a good spread of evidence from people who are involved in this on the ground, as it were.

Q225 Chair: Just to put it on the record, I think, as things appear to be moving, the Committee had a number of anxieties. I am not sure that people may feel that they are all allayed, but nonetheless there has been some very helpful movement quite recently at DPM’s Questions, so I think I would be keen that, if there is that spirit of openness, we keep the door open just a little longer so that we get this just right now, rather than have to have you back when the legislation comes through.

Mark Harper: Sure. I think it worth saying, just as a final point, Mr Chairman, that both you and I and other Members in the House criticised two of our previous pieces of legislation for not having pre-legislative scrutiny. These are proposals. This is a draft Bill. We are doing this process of both public consultation and pre-legislative scrutiny, and we will look very carefully at your report, when you give it to us, and the other evidence that you have taken and that we have received directly, and we will see if we need to make changes to our proposals, and then we have the start of the long, normal parliamentary process, where we can engage in these debates as well. We are very open to listening to people’s concerns.

Chair: Excellent. That is the value of pre-legislative scrutiny, and long may it continue.

Q226 Tristram Hunt: Minister, it is very good to know that there is a change in mood on the opt-out, and I think we, as a Committee, are very interested in

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that. I just want to focus on this notion that does not seem to have changed, which is the move in broad terms from civic duty to individual responsibility for registering to vote. In paragraph 64 of the proposal, it says, “While we strongly encourage people to register to vote, the Government believes the act is one of personal choice and, as such, there should be no compulsion placed on an individual to make an application to register to vote”. I know this Government is very keen on nudging as a psychological tool of policymaking. Aren’t you effectively nudging people not to vote?

Mark Harper: There are a couple of things there, and I think this is worth spending some time on, Mr Hunt. There is a difference between something being a civic responsibility or civic duty, which the Government believes that both registering and voting are, and making not doing it a criminal offence with a significant penalty, because that is what it is: the penalty for not sending back the household form is a criminal offence and you can be prosecuted in a magistrates’ court. The Government very much believes that registering to vote is a civic duty and something that people ought to do, and we will look—

Q227 Tristram Hunt: Is that language in the—

Mark Harper: I was just going to say, one of the concerns that people have raised with us is about whether the tenor of what we have said and the opt-out, the combination of that, effectively the usual language around nudging, tips the balance so that people just think, “Oh, it is not very important,” so we will look at the language that we use around that sense that people have that it is something they ought to do. It is worth saying that most people—83% in the survey the Electoral Commission did after last year’s general election—do not know that you have to send the household canvass form back by law in any event, and there is a huge amount of confusion among the public about how registration works and what is and is not automatic, so there is quite a lot of good public education that both the Government and the Commission can do on this. We will look at that and we will look at the concerns people express, but my understanding of the logic behind the household form is that if you do not send the household inquiry form back, which is a responsibility for the head of the household—a rather antiquated concept now—you are potentially disenfranchising, under our existing system, other people, and that is why we are keeping that penalty in place.

The question we then had was, do we extend that to someone who does not send back their invitation to register form, where the only disenfranchisement would be of themselves? The question we asked was, do we want that to become a criminal offence that you effectively prosecute someone, give them a criminal record and potentially give them a significant fine? We did not think that was appropriate, but we will look at the language and see if that does tilt the balance, and will look at whether expressing it differently toughens it up. We will look at it, but I don’t think we want to change the fact that it is not a criminal offence.

The other thing I would say about the Government’s approach to databases as well is that of course we

have just passed a piece of legislation getting rid of the National Identity Register, which was a register that people would have had to put themselves on by pain of criminal offence, and we are not going to recreate one by the back door. We are very careful to emphasise that we are keeping local electoral registers. We are not turning this into some kind of cover national database, so we are very reluctant to go down that path.

Q228 Tristram Hunt: The evidence we have received from some of the electoral officers was quite clear that them being able to send a letter with red ink, saying, “You are subject to a £1,000 fine” and all sorts of other ramifications has an effect and gives them the authority and power to pursue this with slightly greater authority than they might have otherwise. They were genuinely worried by the cultural effect of them not, as it were, having that backstop power.

Mark Harper: I saw that evidence. If you look at the facts, though, the actual number of prosecutions is very small. It is also worth saying that if you look at the literature review that I have looked at, that Dr Wilks-Heeg put together, on which I know he gave some evidence to this Committee as well, the evidence on whether compulsion does or does not have an impact is pretty mixed. The fact is that there are very few prosecutions. On the only evidence that we have, there is a significant number of people who are not on existing electoral registers when there is a requirement to return the household form. The evidence from other countries is that it is not clear that it makes a significant difference, but we will look at that evidence and certainly take on board the point about whether the combination of the opt-out and the language nudges, to use your phrase, people in the wrong direction, because that is absolutely something we are not trying to create.

As a final point, indeed, if you look at the evidence, the biggest determinant of whether people register to vote is their sense that there is a civic duty to register and they want the opportunity to be able to vote to express their view about how their country or their locality is governed. I think we need to strengthen that. The evidence that you had from the groups that represent some of those who are less likely to register focused on the work we need to do with those groups to get them more engaged in the process. I do not think that potentially threatening to criminalise people is very good way of dealing with political disengagement and getting people more engaged in the political process. I think we need to be a little more innovative in how we go about doing that, and there is some work that we can do on that, and we are indeed working with those groups to see what approaches might be successful.

Q229 Tristram Hunt: Finally, it would just be good to know from the Minister that, with that, there is an appreciation within government of the broader civic consequences of failing to have your place on the electoral register in terms of jury duties and playing your part in civic society, and if, as the evidence suggests, we lose those marginal groups, poor groups,

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young groups, black and minority ethnic groups, that is going to have a major ramification, not only for politics and boundaries and all the rest of it, but more broadly for the civic functioning of juries and governance.

Mark Harper: I have two things on that. First of all, I think a number of witnesses you had flagged up the risk. I do not think there is any evidence. It is right that they flagged up that risk, right that you listened to that and right that we pay attention to it and think about our proposals when we bring them forward.

Some of those other civic functions are things that we can use to encourage people to get registered, notwithstanding the purist arguments there are that people have about the electoral register only being used for electoral registration. I know that sometimes administrators in the Electoral Commission are very clear about that. There is no evidence, for example, that people don't register in order to get out of things like jury service. There is no evidence that that happens at all. We will keep these things under review, and we do. It is right to flag the risk up, and we need to make sure, as we look at the implementation, the language, the communication and the work we do with our partners, that we focus on those areas. Indeed, when I get some questions later on the write-out in the canvass on 2014, part of why we designed it the way we have is to make sure that resources get focused on those least likely to be registered so that we can do a good job with them.

Q230 Chair: It is helpful, Mark, that you have mentioned the language. I think it is very important that the signals and the messages around the language are out there. That, hopefully, will be taken by lots of people. I don't think the Committee is desperate to have an increase in prosecutions. Probably the Committee is keen that there is encouragement in the way that the forms are drafted, and whether it is coloured in red or whatever, I don't think we are looking to criminalise people. We are encouraging people to register. If that can be taken into account in your rethinking of this, that will be extremely helpful.

Mark Harper: Okay.

Q231 Simon Hart: I have to go fairly soon, so forgive me if it does not appear as eloquent as I hope it appears. I think we all agree that it is the numbers who vote that are actually important, rather than the numbers who register. Picking up on previous comments about risk, do you have any evidence to suggest that the pace at which you are pursuing these proposals increases the chances of certain sectors of the electorate being disadvantaged? There have been some conflicting views in the press on this. I am just interested to hear your view on that.

Secondly, is there a financial cost of electoral fraud that these proposals are going to reduce? We have not seen or heard from anybody who has put a figure on what this actually costs the taxpayer. I don't know if you can help us with that as well.

Mark Harper: There is a fairly widespread concern about electoral fraud. If you look at the evidence in terms of the number of prosecutions and the number of cases that are proven, they are fairly low, but there

is quite a significant concern about it. It is one of these areas where, when you get cases of electoral fraud, they get an awful lot of attention focused within Parliament as well, so they do generate a great deal of concern. I think all parties share that, hence the movement to individual registration in the first place. Two things behind that are speeding up the change. The first one was that we thought that having a parallel running system where you would have the traditional method and you would try to get people to participate in individual registration on a voluntary basis actually had the potential to be more confusing and not lead to an either more secure or complete system than deciding that you are going to have one system and move to it more swiftly. There was a cost to that. Parallel running of those two systems was going to cost an extra £74 million, which is a non-trivial sum of money. What we have done in the balance that we have struck is recognised that what we did not want to do is move to it so fast, as they did in Northern Ireland, that you had a precipitate drop in the number registered, particularly ahead of the next general election, and that is why we have implemented the carry-forward option, so that if somebody is on the register in 2014 as registered in the traditional way but does not register individually, they will be on the register and they will be able to vote in 2015, but the balance that we struck was that they would not be able to cast an absent vote, where we think the risk of fraud is potentially higher. But they would still be on the register and they would still be able to vote. I think the evidence that you had from the representative from Northern Ireland said that that carry-forward proposal was quite a significant one and is a very good way of mitigating against people dropping off the register when they are eligible. We think that struck the right balance between completeness and our—

Q232 Simon Hart: So the suggestion that we received by way of evidence could, in the circumstances, be a 30% drop-off. Are you suggesting that that is exaggerated?

Mark Harper: We do not think that. The problem was that people gave what they call a worst-case scenario, and we do not think there is any evidence that supports that at all. I think I am right in saying that in Northern Ireland, when they moved quite quickly to an individual system, they experienced a 10% drop in the number on the register. The best educated guess they have is that about half of that was desired reduction. In other words, it was people who were on the register, who were either not real people or were not eligible to vote or were on there in some way fraudulently, and those were removed, and that was a desirable outcome. Indeed, we will get some of that in our registers, possibly because people are there because of fraud, but more likely they are there just because people have moved and the register has not been updated. The system will be more accurate. There will be some removal of people that is desired because they should not be there in the first place. In Northern Ireland, about half of that drop, they believe, were people who were eligible to vote, and who had dropped off the register because the system was more

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difficult. It is that group that, by doing a carry-forward, we are trying to make sure stay on the register, able to cast that vote in that 2015 general election. We think that strikes the right balance.

Q233 Chair: I would just say, Mark, it is an offence not to complete the form in Northern Ireland. Is that something that you wish to take forward?

Mark Harper: It is interesting, because we looked at that. That was introduced five years ago. They did make it an offence not to send back the form but, interestingly, because of the way they implemented it, they still had 10% of people, 5% of whom they think were eligible to vote, drop off the register. In a sense, you could argue, they chose to do a different thing, but it did not appear to be particularly successful in keeping up the rate of registration. Indeed, some of the things they now do—some of the data sets they use, some of the quite innovative approaches they use, which I know you questioned them on, for example, visiting higher education establishments and engaging with younger people—have actually proved to quite successful, and they have started to drive that rate of registration back up again. What we want to try to do is not have that drop in the first place so that we can work on driving up the rate of registration from a higher base.

There is one other thing. Just so that we can properly assess this, the only data we have at the moment about the rate of registration is ten years old. It is the work that the Electoral Commission did, which indicates the familiar figure, about 3.5 million people, might be missing from the register. That is not very good data. It is very old, and there is no evidence, no data at all, about how many names may be on electoral registers who should not be, either from inaccuracy or fraud. You will know that we are undertaking at the moment a piece of research on both completeness and accuracy to try to give us a very accurate baseline about how complete the current set of registers are and how much inaccuracy there is, so that you have a good starting point to measure. Existing registers will then repeat that exercise after the move to individual registration so that we can assess how successful it has been. I know you and the Committee are very keen on looking at post-legislative review, and we propose to do that so we can set out how successful this has been and particularly identify where there are things we then need to work on after that transition has taken place.

Q234 Chair: But it is possible that the numbers in Northern Ireland could have been worse, if there had not been that threat of possible sanction?

Mark Harper: It is possible, but there is no evidence to suggest that at all.

Q235 Fabian Hamilton: Minister, can I just pick up on a point you made in your opening remarks? You said that individual voter registration was the “right thing to do”. Can I just ask you to expand on that? Why is it the “right thing to do”?

Mark Harper: A system that relies on the rather old-fashioned, patriarchal head-of-household approach, where you give the responsibility to one person in

the household to deal with the registration to vote of everybody else in the household, frankly, is a bit out of date. There are some communities where it reinforces some cultural behaviour that can restrict the ability of some people to exercise their right to vote in our country, but also it is not how we go about doing things today. It is not the approach we adopt with other things. We expect individuals to engage with the State, and certainly the Electoral Commission and others have been very supportive of that move to an individual approach, engaging people individually and getting people to take personal responsibility for being registered for casting their vote.

Q236 Fabian Hamilton: Is it about personal individual responsibility, each individual taking responsibility for their own future, their own civic duty, as it were?

Mark Harper: Yes.

Q237 Fabian Hamilton: Can I just ask you, though, do you think there will be a differential impact on poorer individuals in households by introducing individual voter registration? Is there any evidence to suggest that the poorer the household or the individual, the few people will register? What evidence do we have from other countries?

Mark Harper: No, I don't think there is a great deal of evidence to support that at all. If I just think about it in a human being sort of way, I don't see any reason at all why somebody from a poorer household is less concerned about their ability to make decisions about the future of their country, their council or their local area than somebody with a higher income. I just do not follow the logic of that approach at all. It is true, if you look at the existing research that was done by the Commission, that there were groups of people who are currently less likely to be registered. Part of that is to do with the way we currently do the annual canvass. The single biggest reason in the research as to why people are not registered is because they have recently moved, and a lot of it is to do with housing tenure and how frequently people move and different types of occupation where, indeed, the household system does not work well, for example, in houses in multiple occupation, where the person who gets the form does not really have any sense of responsibility for anybody else. There are a lot of areas where an individual approach, where you are dealing with people individually, could well improve it, and registration officers will then have the tools to focus on those people who do not get registered. That is partly why we are looking at the data-matching pilots to see if you can identify people who are not registered, and we have certainly found in the pilot so far that they have generated people who the electoral registration officers didn't know about and were not registered. The bit we do not know yet is how many of those leads, if you like, people that they can then chase, will be converted to be registered, and secondly, how many will have been registered anyway, and finally, the resource required to do that, and whether that is the most efficient way of doing it or whether there will be other ways, and we need to look at that to assess the pilots properly.

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Q238 Fabian Hamilton: You do not agree, then, with the Electoral Commission when it noted, in its report on the implementation of individual voter registration in Northern Ireland, that it would have an adverse effect on disadvantaged, marginalised and hard-to-reach groups? “Young people and students, people with learning difficulties and other forms of disability, and those living in areas of high social deprivation were less likely to be registered and encountered specific problems with the new registration process.” Do you think they are wrong in that assessment?

Mark Harper: Those groups are already the groups that are less likely to be registered. You asked me a specific question, which was, did I think that the introduction of individual registration was likely to lead to fewer of those people being registered? I said no, I didn't. What I do think is that there are people with whom, if we do not do anything, there may be a risk of that, and that is exactly why we are working with groups that work with those groups of people to work out what it is we need to do to make sure that they do get registered. For example, we are working with groups that represent people with particular disabilities to make sure that the way we implement this does not disadvantage them and makes sure that they do get registered. There is a risk, if we do not do it properly, that some of those groups may not be registered, but because we are actively engaging with groups that represent people themselves, we will make sure we implement it in a way that they are not disadvantaged. The short answer to your question is that there is a risk that those people might not be registered, but because of the steps that we are taking, both government and the Electoral Commission and administrators, we can make sure that risk is minimised and those people are registered. What will actually happen is that they are registered at least successfully as they are today. Hopefully, with some of the other things that I have talked about, we can do a better job at getting them registered.

Q239 Chair: Before you move on to your final point, Fabian, the evidence from the Electoral Commission and from the Association of Electoral Administrators was very clear about the impact on the register in future, and they talked about the possibility of a tentative 3% drop in a suburban area and up to 35% in poorer areas. This was not a reference to the sociology or demography of how people vote currently or whether they register currently, of which I think we all have experience in particular areas. This was about the future of registration. This was, in a sense, a speculation or a projection. I think the point they were making was that, unless we do something pretty serious here, this will have very strong adverse impacts, especially in poorer areas.

Mark Harper: They are right to flag up the potential risk, because, if there are groups that do not register as frequently under the existing system, clearly, you have to make sure that you design the system so that you make it as easy as possible for people to register. Indeed, one of the things I am very keen on is to make sure that registration officers still have lots of flexibility to do the registration process in the way

they think fits their local circumstances. Just as a very brief example to illustrate this, in Tower Hamlets—I know Louise Stamp came to give evidence here—because they have such significant population movement, they do not mail out the form, wait to see what comes back and then go and do doorstep canvass. They do a 100% doorstep canvass, because in their area, that is the best way they judge to get a more successful response. What I want to do is make sure that the duties and the processes we put on registration officers lead to the right outcomes. That may mean that they have to do different things locally to suit the particular nature of their area. It is a very interesting thing. The Electoral Commission talks about consistency. What we want is consistency of outcome. That may mean differences in how you go about doing things to suit local circumstances, and I am very keen that we let registration officers have the ability to flex what they do to be most successful, depending on their particular local circumstances—

Q240 Chair: Sorry, Mark. If they wish to do it that way, will they have the resources to do it? Will there be a ring-fenced resource to enable those who wish to do a full, initial 100% canvass to do so?

Mark Harper: On the resourcing issue, one of the things that we are thinking about—and there are obviously pros and cons to doing this—is where the process is fully funded, and in the impact assessment we set out the cost of it and the fact that that is funded. Where there are tensions pulling in both directions is whether you ring-fence the funding, and the Government's general approach with local government funding is to try to get rid of the ring-fencing and give the ability to local authorities to determine where the priorities are. A number of electoral administrators are saying, “We want the money ring-fenced so we know we get it”. There are obviously countervailing pressures to that. The fact is that often the person in charge of electoral registration and then subsequent running of elections is the chief executive or a very senior member of the authority and in a good position to make sure the money goes where it is needed, so we are thinking about that. We are talking to colleagues within government. We want to do what will be most effective at making sure the resources we have fully fund this process and get to the people doing the job on the ground.

Q241 Chair: Perhaps rather unsurprisingly within my party, I have the unpopular position that I would like to see as much ring-fencing removed as possible. However, in this circumstance, when there is a very strong change, which will not happen again, hopefully, and there is a move from one system to another, this would be one of those instances where there would be some very strong arguments for ring-fencing, particularly given the concern expressed by Parliament on this matter.

Mark Harper: That is the thing we are thinking about. Given that this is, if you like, a one-off project and we are moving from one thing to the other, there is a case for saying that because you are doing that and that changes what is being funded, that is really the argument, and we are balancing it off against all the

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arguments about localism. Those are discussions that are going on at the moment, and we will be able to set out more about that when we introduce the legislation.

Chair: That is helpful.

Q242 Fabian Hamilton: I will leave other colleagues to deal with the issue of data-matching because I know there are other questions to come on that, but would you be using the census as one of the data-matching criteria, or is the census going to be far too out-of-date by the time we get to this process?

Mark Harper: We had this debate when we were debating the Parliamentary Voting System and Constituencies Bill. The problem with using census data is that it only happens once every ten years. The data that is then available at a local level takes some time for it to become available. Of course, that is population data, and what we are talking about with electoral registration is people who are eligible to vote. That is obviously predominantly British citizens, but it is also, quite complicatedly, Commonwealth citizens either who do not require leave to remain or do have leave to remain, and those things really do not map very well to population data. It is one of the reasons why the research we are doing on how many people are registered and how complete the registers are is quite detailed research, because it is not very easy just to take census data, map it to electoral registration data and come out with a good answer, because the data sets are not measuring the same thing. The answer to the question is that I don't think census data works very well in this process. Part of the data-matching that we have done, as you will know from the 22 pilots, is that we have tried different data sets in different places. Local authorities wanted different tests. Some wanted to focus more on completeness, some more on accuracy. Some have particular groups that they want to see if they can improve them or not, so we are testing a range of databases. When both we and the Electoral Commission assess those pilots, one of the things is how well each of those have done, and whether they have generated leads that have then converted into registrations at a sensible cost. That is the sort of thing that we will take into account when we make those data matches.

Q243 Fabian Hamilton: Finally, talking of cost, one of the issues in a constituency like mine is that there are quite a number of people who, although they have lived in the UK for a long time and are British citizens, do not speak English at all or have a very poor understanding of English. Will there be any attempt to use community languages to communicate with that hard-to-reach group? I am thinking particularly of many women who come over from the Indian subcontinent to marry here in the UK.

Mark Harper: My understanding at the moment—certainly I saw this in Tower Hamlets—is that in authorities where they do have communities with a range of languages, they do use those frequently to communicate with people. I think I will take your specific point away and have a look at it. In terms of how we are setting up the guidance, I will look at the extent to which that has been thought about. Perhaps

I can write to the Committee and let you know. That is a very good point for us to think about.

Fabian Hamilton: That would be very helpful. Thank you very much.

Q244 Mrs Laing: Just taking that on to the next step and thinking it through, the whole issue of data-matching opens up all sorts of possibilities, I would suggest, and while I of course entirely agree with what you say, Minister, about individual responsibility and it being the individual's responsibility to register themselves to vote—I am entirely backing that—and I appreciate that what I am about to suggest has a possibility of expiration and has civil liberties issues that are quite considerable, have you considered recognising that the electoral register is used not only for electoral purposes, but for other, legitimate purposes such as credit references and so on, certainly for jury selection and for other purposes? Have you considered reversing the process of requiring the individual to come forward, as it were, and saying, "I would like to be registered to vote because I believe I have a right to vote"? What if the process was reversed and the electoral registration officer was required to use the data-matching resources available to him to compile a draft register, and then each individual would have an opportunity, while the draft register was in existence, to confirm or remove their name from that register, thus changing the presumption of when someone is eligible to vote or to be on that register, and also recognising the reality that the register is in fact more than just an electoral register? Now, I know that this might be seen as a slippery slope to the whole identity cards issue and the registration of every person in this country, but I emphasise that it would be changing the presumption as far as the duty of the electoral registration officer is concerned, but always giving the individual the choice to say, "I don't want to be on this register" or "I should not be on this register".

Mark Harper: That is a very interesting point. It does raise an enormous number of questions and some very specific ones. That is not the approach we have decided to take. It is not what we do at the moment, and I don't think that is an approach we wanted to take. Picking up your point, though, about the ease of doing that—I think I touched on that at the beginning—the reason we were trialling the data-matching was just to look at whether—the authorities at the moment, electoral registration officers, can already use data that their own authority has access to, so they can use the council tax data and housing benefit data. If they are a unitary authority, they can also use some of the information that the Education Department may have or the Social Services Department. That is not available to those in two-tier authorities. It is really expanding that to say, are there other databases that contain names of people who you could then approach to say, "Do you want to be registered?" to make it easier for people to approach them and prompt them, or nudge them, if you like, and that is the work we are undertaking.

I probably should say at this point, Mr Chairman, that the authorities that have taken part in this have done a really good job. It has been a lot of work. They have

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put a lot of resource into it. Given it has fallen into the period where they are also doing the canvass, they have gone above and beyond in terms of their commitment, and eight of them are now using the learnings at the earlier stage of the process and doing some further work at the tail-end of the process to hone the procedures and the processes, and we learned a great deal from the pilots. There have been genuine pilots where we have learned how you would do this in practice, and we will look at the evaluation at the end.

The other thing that picks up on your point, Mrs Laing, is also on this issue about other transactions that the individual has with the State. If you look at things like the one I forgot—I mentioned applications for driving licenses, which a lot of young people do—passports, and also the Royal Mail address redirection service, which a lot of people use when they move, that can be built into a very simple process where people, as part of that transaction, can use a tickbox to say, “I would like to be registered to vote at my new address” or “at this address”. That information is then communicated to the electoral registration officer, who can use that as a method of approaching the individual. We are looking at all of those, and I think those are all the things that combine on the “making it easier” side of the equation, which means that we have an opportunity to particularly focus on some of those groups that are less likely to be registered already and make an improvement.

Q245 Sheila Gilmore: In terms of the data-matching, in relation to the legislation coming before Parliament, will there be available an evaluation of the data-matching pilots?

Mark Harper: We have been looking at how they have worked going through the process. The Electoral Commission, according to the secondary legislation, has to have those evaluations ready in March, so what we are going to have to be taking a decision on before we introduce the legislation is whether we think there is sufficient evidence available to put the powers into the legislation to roll out data-matching, if we wanted to, when we introduce the Bill, because we will have to introduce the Bill before that is ready, and then we will have that evidence available as the Bill proceeds through the House.

Q246 Sheila Gilmore: Would it not be helpful to Parliament, in looking at the legislation, to at least have some interim evaluation of these data-matching pilots? Some of the evidence we have received before this Committee was that the technical side of this had proved very difficult in some of these pilots. We are not aware, necessarily, of the outcome of this.

Mark Harper: Sure. There are two things. Clearly, one of the things we did when we took the secondary legislation through Parliament was to make sure there was a third-party evaluation of them, which is what the Electoral Commission is doing, so that you are not just taking my word for it. Clearly, when the legislation is introduced and we start the parliamentary process, I will be able to set out for Parliament what we have learned so far from the pilot, but until the Electoral Commission has finished its

evaluation, you will not have that third-party evaluation, but we will certainly be able to share with you what we have learned so far. As I said, so far, we have seen that they have generated leads, if you like, on people whom the registration officers did not know about. What we don't yet know is whether they have then converted into people who have registered. Would they have registered anyway? Also, looking at the cost of doing that, we do have to bear in mind if this is the most effective way of doing it, or are there other ways of doing it? There may be different data sets that have been more successful than others, and certainly, for example, in areas where there are large numbers of students—that is one of the areas I know some witnesses have raised some concerns about—some of the data-matching pilots have used some of the data from the Higher Education Funding Council, so we can look at whether there are some potential opportunities there to make sure that students are registered at their student address and give them the opportunity to do that very easily. Those are some of the things that we will be able to look at. But we will give the maximum amount of information to Parliament as we evaluate those pilots, and then the Electoral Commission reports will be available by the beginning of March.

Q247 Sheila Gilmore: If I am understanding correctly, it might be that the legislation will be put in place together with a decision, perhaps, that data-matching is not helpful. In that case, how can we be confident that we really are going to reach these people, who are not on the register?

Mark Harper: That is why I said that there was a range of things that we were doing. Data-matching is one of them. I know this came up in some of the evidence. It is also why, for example, we have taken a power in the draft Bill to switch off the annual canvass in future, but we have kept it for the moment because we don't yet know if there are going to be other, more efficient ways of doing it. The annual canvass is very expensive, but at the moment we don't know whether it can be replaced. We have taken a power to switch it off, but we have made sure that, for that power to be exercised, you have to have a report from the Electoral Commission, basically confirming that there are alternative ways of having at least as good a system as the annual canvass, and the decision has to be taken by Parliament before that could happen. As I said, I mentioned some of the things in response to Mrs Laing's question, looking at how you can look at other transactions that individuals do with the State and look at that, and also learn from some of the things that they have done in Northern Ireland. They do not have an annual canvass now in Northern Ireland. They have a continuous registration process, and their chief electoral officer looks at some of these other ways, particularly focusing on those hard-to-reach groups, and they have had some success, so my officials have been talking to them about some of the things they are doing there. But we will keep the annual canvass until we are confident that there are other ways at least as successful at reaching those hard-to-reach groups.

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Q248 Sheila Gilmore: Do you have a view, as a department, at this stage, about the relative expense of that data-matching as opposed to the canvass? The annual canvass is expensive, but data-matching also appears to have some technical issues and is potentially expensive. On one level, I think I could say within my constituency where I believe the unregistered people are, if you go round enough. I can tell on the current system, because obviously it's slightly more difficult with individual registration, I can go down the street to suburban bungalows and everybody but somebody who has just moved in recently will be on the register. I can go to city centre flats, not necessary ones where people are particularly deprived, where under half of the people in a stair of ten or twelve will have even anybody registered in the household, let alone having any concept of how many people are in that household. In that sense, is there a case for a targeted well-resourced canvass rather than elaborate data-matching?

Mark Harper: That is exactly one of the key questions, and it is one of the issues around the annual canvass. Given that we know, across the country, on average, which I recognise varies considerably, about 90% of voters do not move, you can reach a lot of people relatively cost-effectively, and where we want to focus the resource is on those people who are more difficult to reach. Part of the logic, by the way, just so you know why we had the opt-out in the proposals, is that it was purely a practical measure to enable the local authority, the electoral registration officer, to not bang their head against a brick wall trying to register somebody who really did not want to, so that they could focus their efforts on people that they did not have registered, who they might have some chance of getting on the register. It was purely a practical way of focusing resources where it matters, and that is the important thing for making sure that, as well as there is consistency in how this is done, we focus on outcomes, because one of the key lessons is that you need the electoral registration officer, who I suspect, in your consistency, has as good an idea as you where there are people not registered, you need them to be able to focus their resources, which is where they will continue to have their powers to use doorstep canvassing where they have not had the forms returned or have the opportunity to send the forms a number of times and have that suite of powers. You want them to be able to use those flexibly to focus on where they are not reaching people. A lot of people just return the forms anyway. It is focusing on those hard-to-reach people where we need to give them the flexibility.

Q249 Sheila Gilmore: Linked to resources, then, is resource allocation something where we need a standard across the country? Is there the possibility of additional resources going to areas that have particular problems? I link that to the question of ring-fencing, because many people have said, and you may disagree, that the overall allocation to local authorities means that some people have seen much larger reductions in their resource allocation generally in the last year or so. A cash-strapped local authority, which may also be one that has particular difficulties with

registration, may be in a position where the temptation to perhaps not use the resource for this might suggest that ring-fencing would be helpful.

Mark Harper: That is one of the things that we are thinking about. The Chairman has set out in this case—although he and the Government are big fans of localism and giving that decision-making to local authorities—why, on a project like this where you are doing a one-off transition, ring-fencing may actually be helpful. That is absolutely one of the things we are thinking about. We are talking to electoral registration officers in local authorities and the chief executives and we are talking to others, so if the Committee considers that and makes a suggestion to us, obviously we will take your views very seriously.

Q250 Stephen Williams: Can I just come back to where Sheila left off on the ring-fencing? What I am not clear about, when these discussions are taking place within government—presumably, the localists are in DCLG—is what position you are advocating as the Minister. Are you in favour of ring-fencing? Are you arguing for a ring-fence, or are you neutral?

Mark Harper: At the moment, I am looking at the options on both sides. There are arguments on both sides, and it comes back to this point about consistency of outcome and giving local authorities the flexibility about what they spend, so I am looking at what the evidence suggests and I am listening to what electoral administrators say and whether their argument that they want ring-fencing is borne out by the evidence. I have to say, although lots of electoral administrators say that, on a steady state basis, their department is under-resourced and they don't have the resources, I am frequently not provided with any evidence of that. There is lots of anecdote, but not any evidence, so I am testing that and have done with administrators, bearing in mind their concerns and the concerns that Ms Gilmore just outlined about local authorities making sure that this is an area that is properly resourced. Those are the things that I am weighing up in terms of what we set out in the financing, whether it is or it isn't ring-fenced, and it is making sure we make the right decision for this to be successful.

Q251 Stephen Williams: Might you take a different approach for different authorities? When we were taking evidence, Stratford-on-Avon was one extreme of an area where there is very little population turnover, and I do not want to make the administrators' job sound easy, but it is clearly easier than Tower Hamlets, which is the other extreme. Might you take a view, then, that some authorities clearly do need to have that dedicated resource, and in others, perhaps localism could prevail?

Mark Harper: That is one of the areas that I think is probably quite difficult, because it then gets bound up into the complexities of the local government funding formula, which I understand is somewhat complicated, and whether it accurately devotes resources to the places that need them, and I am not going to even start getting into that argument. Those are the things we are thinking about.

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The key point for us is that we want this to be properly resourced. We want electoral administrators to have the resources they need to do the write-out, to do the follow-up, and for the Electoral Commission also to be able to do its education work and public information work, so we want to get all those things right, and it is just working out the best way of doing that, and for local authorities to be able to do that in the best possible way. I have listened carefully to the views so far, and obviously I will await your report to see whether the Committee gives us a clear steer about your views, which we will take very much into account.

Q252 Stephen Williams: If I can go on to something else, Chairman, so far, we have talked about the philosophical aspects or aspect purposes of this debate. Let us give a practical example. That is the result of the carry-over from people who may, effectively, register in 2013 and who may or may not be picked up by a canvass in 2014, but will be voting in the general elections that we want in 2015.

Mark Harper: Yes.

Stephen Williams: We are concentrating on the register and whether that is complete. Actually, it is only really meaningful if people are on the register and vote thereafter. Let us take an urban area where people move around a lot. It will not surprise you to know that Bristol falls into that category. A very large number of young people, when they first arrive in the city, will live in one part of the city. Within a year, they will be living in another part of the city. Those movements are well understood and well known, but they will be in utterly different constituencies.

In 2013, just to take an example, a first-year student at the University of Bristol, 2,500 of them will live in Bristol North West; 2,450 of those will leave in October 2014 and will be in Bristol West, but they will all be registered under these provisions still in North West. They will be registered in the wrong constituency and they are very unlikely to vote. If the purpose of what we are trying to do is to make it more likely that people are, one, registered, and two, exercise their votes, there will be a big disconnect, will there not?

Mark Harper: You raise a number of issues there. Clearly, the most important thing for the purposes of people casting their vote is that they are registered somewhere. One of the issues you have—and this is the issue why lots of inaccuracy happens and it is the single biggest reason why people who are not registered are not registered—is around movement. In fact, one of the things that the annual canvass process does not do well is deal with people that move and just miss the canvass.

That, of course, was why enrolling and registration was introduced. That has not been an enormous success. If you look at the number of people who actually take advantage of that, it is not great. One of the opportunities of an individual registration process—maybe being optimistic for it to be in the introductory phase—is to try to better capture people as they move, rather than relying on doing it once a year when you have exactly the problem you suggested.

The problem you have highlighted is a problem that exists already. Our priority for the introduction of this new system is making sure that we maximise the chances of those people being registered, initially trying to improve the existing system so that we more quickly get people registered when they move. Trying to massively improve how the current system works in the first year is probably a challenge too far. What we want to do is make sure that those people who are registered do not drop off completely so that they have the opportunity to vote.

Q253 Stephen Williams: Chairman, I just want to challenge that. Mark, the problem does not exist already, because those 2,450 students will be replaced by a new 2,450 who arrive in October 2014. That problem does not arise at the moment, but there is a danger it will arise under what has been proposed.

Mark Harper: All right, sorry. I did not follow your thought. Yes, that is one of the reasons why, for example, I alluded to this in Ms Gilmore's question. Take areas, for example, where there are significant numbers of students. I know in your constituency it is about 20% of the electoral register. Whereas at the moment the hall of residence may well register a number of them themselves, one of the things we want to look at—and one of the reasons why some of the data we are doing the data-matching on was higher education data in the Pupil Database—is whether you put something specifically in place for groups like that to make sure that, when you have significant population movements, you put in place an alternative procedure so you can absolutely have them registered. One of the things they do in Northern Ireland is go to colleges and universities, approach them directly and make sure they do a good job with those. That is one of learnings that we want to take from them to make sure, in your case, you pick up all those new people who turn up and make sure you register them.

That in itself helps with the problem of those who have moved. If you are picking up people who have moved into accommodation newly, you then also pick up the fact that someone else has moved. Then you can then make the register more accurate as well. I take your point and that is one of the things that we are very much looking at for those types of areas where you have significant population movement on a regular basis.

Q254 Stephen Williams: I am glad you are looking at it, but I am disturbed by the word “whether” in that answer. It is a problem now. It will be a worse problem if something is not done about it.

Mark Harper: It is not that we are not going to do anything. It is just that data-matching may be one of the solutions. If, when we have concluded the pilots, we can see that it actually is and will be very successful, that will clearly be the approach. If that is not the approach, I think the point I wanted to leave you with is that we are not just going to go, “Oh well, we cannot do that, so we will not do anything”. We will, therefore, look at alternative ways of making sure that we deal with those problems. That was the point that I wanted to leave you with.

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Q255 Stephen Williams: The problem could be worse. If you imagine standing outside the University of Bristol library, which is in Bristol West, at the moment you talk to a student during an election and they say, "I am not sure whether I should vote in Bristol West or whether I should vote in Surrey South West", which would be a very typical example of University of Bristol students. There is already that confusion. Now there will be the triplicate confusion. They are registered to vote in Bristol North West. They live as a second year in Bristol West. Their home address is in Surrey or Hampshire. They have this triple choice. The danger is they do not bother at all, particularly if they are not going to be allowed to postal vote at the address they are actually registered as a student. There is a very real danger here that the department needs to seriously examine.

Mark Harper: Okay.

Stephen Williams: I am sure that will apply in Nottingham and Leeds and everywhere else.

Mark Harper: That is why it is helpful to have a range of colleagues to bring in a particular local perspective.

Q256 Andrew Griffiths: Thank you, Minister. It is interesting to be working on a piece of legislation that was in every single party's manifesto. And yet, it regularly brings up such diverse views. Can I go back to something you said earlier in relation to the canvass? All of the information we have been given to date, including the briefing note for this meeting, says that the last annual canvass will take place in 2013 and many groups—the Electoral Commission and virtually everybody that has been to see us—have raised concerns about the ending of the annual canvass. Now, from what you have said today, the annual canvass is going to continue. Could you clarify that?

Mark Harper: Sure, there are two different things. In the transitional period, so in 2014, the impression that some people have given by saying there is no annual canvass is that we are not doing anything and we are just going to hope that people register. I think the most accurate way to describe what we have done, effectively, is as a modified canvass. One of the options we had, which is the one I think the Electoral Commission is still quite keen on, was to do a full annual canvass in the normal way. You write to every head of household. You ask for the form back. Then you write again to everybody to ask them to register individually.

We considered that. We felt—and we talked very closely to electoral administrators, who would actually have to do that exercise—and they felt that the very strong view we had from the practitioners on the ground was if you did a full canvass followed by an individual write-out asking people to register individually, what you would do was thoroughly confuse everybody, because a lot of people who had sent back the household form would think they had done what they needed to do. You would not have the response from the individual form. The people who would have to do this on the ground did not think that was likely to be a very successful approach. It would also have the downside of costing a significant extra

amount of money, because you would be writing to everybody twice. It would have a bill of about £50 million on it, but also not be very successful. Both of those things are significant.

Effectively, what we are going to do is a modified canvass, which focuses the resources exactly where you need to work harder. We will write to everybody individually who is on the 2013 register and ask them to register individually. Where we have any households where there is nobody on the register, they will receive the household form in the usual way. They will send it back. You will then approach each of the people on that form individually to register. Where electoral registration officers have information that people have moved, so for example from the day-to-day, already-used council tax records, housing benefit records, they will write to people directly to see who is at the household and then chase them up. They will have their full suite of tools at their disposal in order to do doorstep canvassing to follow up, and they will have a duty to follow up people who do not return the forms.

Q257 Andrew Griffiths: Will there be a doorstep canvass?

Mark Harper: Absolutely. It is going to be a modified canvass, but it is deliberately designed to allow electoral registration officers to focus on the people who are least likely to register. The thing at the moment, with the significant number of people, you send them the form and they send it back and you are done. What you want electoral registration officers to be able to do is to focus and do more with the people who do not do that. In our modified canvass or modified write-out, you are actually doing what you need to do for most people, which will be enough. Then you have a whole range of other things that you will be doing specifically for those groups where you will have most trouble. Just to be absolutely clear, the electoral registration officer will have a duty to follow up where they do not receive responses and they will still have their powers to do doorstep canvassing as well where they have not had responses.

The impression that some people have given or that has certainly been reported is that we are not doing anything. That is absolutely not the case. All that work in terms of writing out and following people up is one of the biggest chunks of cost that we are funding local authorities to do as part of this process and one of the bigger parts of the Bill.

Q258 Andrew Griffiths: Why do you think it is, Minister, that the Electoral Commission and all of the experts that have been to see us have all said that the canvass is ending and have all expressed concerns about that?

Mark Harper: In terms of doing the full canvass where you send a household form to every single household, we are not doing that and I have explained why. The Electoral Commission's approach was to write to every single household using the household canvass and then to write out to everybody who was on the household form to ask them to register individually. The evidence we had from the administrators who would have to do this is that that

was likely to confuse people and not be very successful. On top of not being very successful, it was likely to have a significant bill attached to it.

We did not think that was sensible, which is why we have a modified canvass where we are going to write to absolutely everybody who is on the register. Registration officers will follow up where they do not get responses. Where they have information that people have moved, they will write out with a household form, get information back and then write back to the right people, who will register individually. Where they have nobody registered, they will send the household form in the usual way and they will still have their suite of powers to do doorstep canvassing and so forth.

It is true that it is different, but it is actually modified in order to allow them to focus on the people where they need to focus the effort. That is an approach that is supported by the electoral administrators who are going to have to do the work. It is not the approach that the Electoral Commission preferred, so that explains why they would prefer it if it was slightly different. I set out why we have adopted the approach we have and why we think it would have been more successful at registering people.

Q259 Andrew Griffiths: Fine, thank you for that. You said at the beginning that you took exception to the impression there would be a big drop-off in the number of people registering. Do you genuinely believe that there will not be a significant drop-off in the number of people on the register?

Mark Harper: There are a couple of things. The Electoral Commission was very clear and made it clear after some of the reporting that it was flagging up a concern it had. It flagged up very much a worst-case scenario. It was partly around what it felt was changing whether people felt they were obligated or not. I answered in response to the question Mr Hunt had at the beginning that we will look at whether the combination of the opt-out, which we have already said we will change, and some of the other language has that effect. There is no evidence that will happen. I said what happened in Northern Ireland. There is a challenge in this process, because we are moving from one way of doing it to another. What we are doing with the Electoral Commission and administrators is exactly to make sure it is addressing where the risks are and making sure we have put in place processes to deal with those risks.

There will of course be some people or names that come off the electoral register as part of this, which is desired, in other words: those people who are not living where the register says they are living; those people who are registered who do not actually have the right to vote; those who are not eligible to vote; those who should not be there in the first place; people who are fraudulently registered, who will probably be not massive in number. There will be, as there was in Northern Ireland, some people who come off because they should not be there in the first place, but because we know there are already people who are not registered, we are trying to do all these other things to make sure we compensate and make it easier for

people to register, so we maximise the number of people that are registered who are eligible.

Q260 Andrew Griffiths: Do you have any estimates of how many people you think that is, those people who are on the register that should not be, who should legitimately come off the register?

Mark Harper: No, I said in answer to an earlier question the only data that exists at the moment, which is oft quoted, is the work that the Electoral Commission did based on data from ten years ago about the number of people who were not registered. They did a piece of work with some academic help. That is it. That is all that exists.

At the moment, we have just commissioned a piece of work, which the Electoral Commission is helping us with, which will look at both completeness and accuracy. It is some very detailed survey work, comprehensive survey work, across the country that will look at eligible voters that are not registered, and so, deal with the completeness point to see what our base line is on our existing system. It will also look at the data to see if we can make any estimate about inaccuracy, so that we can see when we do this process, if we take existing registers, how many people we would expect to disappear and how many people are already missing, so that we can make sure we do at least as well as the current system, but preferably that we do better.

It is very clear we want to measure the base line. We will then repeat that work with the same methodology after the move to individual registration so that we have a very clear sense of whether we have delivered what we intended, whether we have done a good job. Then people will be able to see whether that is, indeed, what has actually happened.

Q261 Andrew Griffiths: How many people would you say, Minister, would be an unacceptable level for the register to be reduced by? What would be a failure rate?

Mark Harper: I think it would be much better if I get the research first and have a look at where we are starting from. Our goal, as we have said, is that we want to improve the position. We want as many people registered as possible who are eligible to vote and as few people registered as possible who are not eligible to vote. We want the register to be as complete and as accurate as possible.

I want some good base line data to see where we are starting using data. The only data that exists is ten years out of date and does not look at the accuracy side. We want some good data—picking up Ms Gilmore's point—which we will be able to present to Parliament when we introduce the legislation so that we can see where we are starting from. I think that will be helpful for this debate and we can actually measure how we have done, which is one of the things that often governments of all parties are criticised for. We do things and then there is no actual idea about whether they have been successful or not. We are going to measure this, have a good base line, and then re-measure on the same basis afterwards and see how well we have done.

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That will enable us the opportunity to work on areas if we think there are issues because, although there is a transition here, this is not a one-off. Just picking up the point Mr Williams alluded to, yes, we are very focused on 2015 and making sure the register is very accurate for that election, but I am also very conscious for example that other people in their evidence have referenced the subsequent boundary review. There is also a big year in 2016 with a whole set of elections scheduled for that year: Welsh Assembly; Scottish Parliament; local government. We want to make sure we are not just going, “We will worry about 2015 and then we are not worried any more”. We are going to make sure we are focused and continue to work to make sure the register remains accurate.

Q262 Andrew Griffiths: You mention boundaries. A lot of your time recently was taken up with the whole issue of boundaries and the reduction in the number of MPs. It is now occupying the minds of lots of colleagues around the House. Do you have any concerns about the implications of individual voter registration on that process going forward?

Mark Harper: No, I think if we do our job properly, which is to focus on both completeness and accuracy, and we do the things we have said in terms of making it as easy as possible for people to be registered to make sure we improve the completeness from where we start, or at least be as complete as where we start, then I do not think that raises any issues at all. We think it is very important that the register is complete. We want it to be as accurate as possible. It is really the only data set that you can use for doing boundary reviews because it is the right group of people eligible voters. We want it to be as accurate as possible, both for elections and for boundary review purposes, so we are very focused on that as well. As I said, we are not just focused on 2015, but we are focused on post-2015 as well.

Q263 Andrew Griffiths: There is just one final area I would like to raise if I may, Minister, and that was raised with me by Age UK in my constituency. That is the issue of postal voting. There is some concern, firstly, in relation to the fact that there is no rollover of people’s postal votes. I would be interested to know if you have any concerns about that. Secondly, in relation to the identifiers, there is some concern about the issue of a signature changing. There is some concern about the ability to get hold of or find a National Insurance number if you have not needed to use your National Insurance number for the past 25 years, perhaps since you retired. These are all fairly relevant concerns from people who take an important and a diligent part in the political process. These are the people who are likely to vote, have voted consistently for the past 50 or 60 years, and are now concerned that they might be disenfranchised by the process.

Mark Harper: On the issue around the National Insurance number, the reason why we chose that as opposed to other alternative identifiers was because its coverage is the most comprehensive across the population. One of the things we need to work on as part of the process of introducing this is to make sure

that, in all of those groups you particularly mention, no one is disenfranchised. There will, of course, be an alternative approach for those people who are either unable or unwilling to disclose their National Insurance number, so there will be alternative methods. Remember, the electoral registration officers’ job is to check that somebody is a real person, they exist and they are associated with the address. The National Insurance number is a good way of doing that and that is the approach we want to use for most people, but there are alternative things that people can use to demonstrate that and there will be an alternative process.

On the issue around the carry-forward and why that does not apply to absent voters, the balance we struck was this. We could have done what they did in Northern Ireland, which was we could have said, “Let us move to individual registration and let us just say you have to register individually and that is it”. We thought, given what had happened in Northern Ireland, that had an unacceptable risk of having a significant number of people who are eligible to vote being dropped off the register and not able to vote, particularly at the very important general election in 2015. What we said was that we will not do that. We will have a carry-forward, but recognising that one of the areas of concern, both perception, but also reality, is that one of the bigger areas of risk is around postal voting. We will leave people on the register, but they will only be able to vote by post if they register individually. That will be part of the communication. It will be made very clear to people who have a postal vote that, if they do not take the trouble to register individually, they will still be on the register. They will still be able to vote, but they will not have the opportunity to vote by post. That will be part of the process of making sure that people know what they need to do as we go through this process.

You highlight the point. We are working with groups like Age UK to make sure we take on board their concerns. Groups like that will be a great help working with the Government and the Electoral Commission to make sure we do the communication right and focus it on different groups of people so that people are not missed out inadvertently.

Chair: Just to go back on the register and canvass, Tristram, did you have something on that specifically?

Q264 Tristram Hunt: It was just that the concerns of the Electoral Reform Society, which is really talking about a 20% gap in completeness of the register posing a risk to the 2015 general election without the household canvass, as it were the ‘traditional’ household canvass, of 2014. It argues that a household canvass in 2014 would close that gap by approximately 10%, so keep the electoral register as accurate numbers there as possible. Is your thinking simply that you do not regard that criticism as valid?

Mark Harper: I may be wrong, but a number of people seem to be under the impression that we are not doing anything in 2014. What we are doing is a modified canvass. One of the things the Electoral Commission wanted us to do, as I said, was to do a full canvass in the traditional way and, in the same year, not that long afterwards, write out to everybody

separately. The very clear feedback we had from electoral administrators who would have to do that work was that that simply would not be a very good thing to do. We would end up risking confusing people and end up with lots of people who had sent out the household form, not responding to the individual form, because they thought they had done what they needed to do.

Q265 Tristram Hunt: Is what is driving this the cost and the electoral administrators not wanting to do the work?

Mark Harper: No, it is about whether we think it would work or not and there is already an enormous lack of understanding from people about how you register. It is a very interesting piece of data asking people questions about things that are true about registration and an awful lot of people getting the answer wrong, then asking people things that are not true and an awful lot of people believing them to be true, like I am automatically registered if I pay my council tax, which is not true.

What we do not want to do is have a process where people send back their household form, like they have done in the past—and that is all they have had to do in the past—and think that they are done. Then when they have another piece of paper come, they do not bother dealing with it, because they think they are done. There is very clear, strong evidence from the people who would actually be involved in doing the work, who have, remember, the legal duty to have a complete and accurate register, that that would not be the right thing to do.

I have already said, a big part of the funding is going to be about writing to everybody who is on the 2014 register, doing a household form to every house where there is no one on the register at all. Where the ERO, electoral registration officer, knows that people have moved with the data that they already have access to—and if we decide to roll out data matching, all those data sets as well where they know people have moved—they will send a household form to them, so actually it is pretty comprehensive. We just do not share the same analysis that the ERS appears to have given to you when it gave you its evidence.

Q266 Tristram Hunt: To follow on from Andy's point, we have talked about a worst case scenario of the 30% fall or whatever in terms of the register. If we see a marked fall in those on the register, will that then affect and modify the Government's plans for boundary reviews after the 2015 general election? Is there flexibility in your programme to say, "We have seen a marked fall in those on the register? Is this accurate and complete? Can we therefore credibly redraw parliamentary boundaries on this model, given the difficulties currently surrounding the boundary redrawing at the moment?"

Mark Harper: The first thing to remember is that there will be another canvass after the 2015 election and that will be a full household canvass to produce the register that will then be used under the current legislation to do the subsequent boundary review. You have the opportunity to do another full canvass.

Q267 Tristram Hunt: Election, May; another canvass, August; beginning of boundaries, December.

Mark Harper: Yes, as I said, we are keeping the annual canvass in place, because although it is very expensive, until we have evidence that there is a better way of doing it to be at least as good, if not better, we are not going to switch it off. As I say, that is a decision for Parliament, not for the Government. The Government will propose it. The Electoral Commission would report on it. Parliament would have to make the decision. There will be another full canvass in 2015.

As I said in answer to the question from Mr Williams, we are very focused, not just on the boundary review, but on 2016; because of having moved the devolved elections, there are some very important elections taking place across the UK. We have talked a lot in there about 2015, because a lot of people are focused on the 2015 election, but we are very conscious that after that there are both the boundary review and some very important elections in parts of the UK in 2016. We are very focused, not just on the 2014 transition, but also on the subsequent canvass and then a continuing accurate and complete register.

Q268 Tristram Hunt: My final point, Minister. Given that you pushed this through against some of our warnings about effects on identity, community and locality, are you happy with how the Boundary Commission has come up? I know you have made a substantial and effective land grab for the city of Gloucester, but for the rest of the country are you happy that locality, community and identity has been protected by your rather arbitrary, needless 5% rule?

Mark Harper: There is a full range of questions there. I have not done anything in terms of a land grab. The Boundary Commission is completely independent and would not take any notice of me. You could argue that, looking at the individuals affected by the boundary review unfavourably, senior members of the Government, difficulties created for everyone, you can see that they are equally nice or equally nasty to everybody in a very even-handed way.

I have looked at what they have proposed in general. I will not pretend I am familiar with every single constituency in the country. There are those in our party, and I am sure in yours, who are, and very impressive they are too. I am not one of them. No, I think we have given the boundary commissions a significant amount of flexibility, plus or minus 5%. There is a 10% range between 72,000 and 80,000, and that has to be balanced with those other things, and part of what is now happening, the consultation period, the public hearings, the ability for people to put in their representations, is exactly so—and I know, as you flagged up the issue, there is a concern, for example, in my neighbouring constituency, Gloucester—that people can say to the Boundary Commission, "We don't think you have got this quite right" or in some cases, "We don't think you have got it how we would have done it, and here is an alternative scenario". I know that my colleague in Gloucester is going to put forward some modifications to how he thinks the boundaries ought to be, and he will make that argument to the Boundary

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Commission. That now has a longer process, a three-month process now rather than a month for that process to be underway, and then they will publish their revised proposals. I think we have a very robust process that is already underway and the first public hearings have taken place already this week, so I think that is a very robust process.

Q269 Tristram Hunt: Are you going to give him his cathedral back?

Mark Harper: The important thing to remember, of course, is the cathedral is not going anywhere. We are talking about redrawing boundaries.

Q270 Chair: I think this is called leading the witness. I am not going to have it. Just before we go for playtime, I think we will keep our teeth into the really important question about the register in 2014. It will be a full household canvass and therefore there will be a shortfall because of people moving, and this is not just the ERS view, it is the Electoral Commission view. That apparently, according to the Electoral Commission, will lead to 2 to 3 million people, therefore, not being on the register who otherwise might have been, and therefore, they will not receive the application to apply for their individual registration in July 2014. I think that is the kernel of the anxiety that members of the Committee feel. To an extent, you have reassured me because of suggesting there will be a modified canvass, but does that go far enough when we are talking about potentially 2 to 3 million people coming off the canvass? Minister, you have essentially said, as Tristram pointed out, a lot of this is about the convenience of electoral registration administration. Some of it is about money, but in terms of people being able to exercise their right to vote in our democracy, surely that must supersede those considerations?

Mark Harper: Picking up those points, first of all, I don't think we agree with the Electoral Commission's analysis, and I have already set out that they would have preferred us to do it a different way, and I hope I have set out clearly our thinking about why we did not think that was appropriate. I don't think it is fair to say—which I think Mr Hunt alluded to as well—that it is about Electoral Registration Office convenience. Remember, they have a legal duty to have a complete and accurate register. They are the ones that are on the ground who have to go and do the work to get people registered. They know what works in their area and they know what is effective. Remember, this is not about resource, it is because if we decided that we would do the full household canvass and we would do a write-out following that, clearly we would have had to have funded that, so it is not a resource question for them. But if they are telling us very strongly they don't think that approach would be effective, I tend in these things to listen to the people that have to do the work on the ground and who are the ones who have to make it work, and putting a fair bit of weight on their evidence is quite important, and that is what we have done. We set out in the White Paper the modified canvass, what steps we are going to take. We think that properly focuses

on the areas of risk, and clearly, if you look at that and there are particular areas where you have a concern, absolutely flag that up to us and we will look at that again before we bring the legislation before the House in the new year.

Chair: That is very helpful.

Q271 Stephen Williams: Both Andrew and Tristram have raised the issue of boundary reviews being triggered in the future, based on duff data, effectively, so there would be an unnecessary boundary review, given the tightness of the 5% quota. In the example I gave you earlier of potentially 2,500 students, that clearly would be more than enough to trigger a major boundary review in Bristol, and that would be the same elsewhere. But there is another piece of duff data within the existing system, and that is other people who are dual-registered, and most of us are probably dual-registered. I am registered in the City of Westminster as well as Bristol West, but neither authority—other than the fact I have put it on the record many times—has an ability to know that, and under the procedures that we are going to move to, will there be a provision for an electorate to disclose that I am also registered at this address? Then we can deal with this problem that no one has ever been able to solve before: whether people are voting twice or indeed whether they genuinely are living in both places, rather than have a holiday home in that place, which of course they should not be registered in, if that is the case.

Mark Harper: Well, no. This issue about dual registration is quite important and often misunderstood. You don't have the right to be registered somewhere just because you own a property or you occasionally pop to it. I know there is a particular sensitivity, for example, in Cornwall around people that have holiday homes, but if you have a holiday home and you only go there for a few weeks a year, you are not resident there and you do not have the right to be registered. I know through correspondence I have had with colleagues in Cornwall and the guidance that the ERO there has had that they are taking a more focused approach on that, and there are people who have been registered in the past who have been told that, "No, you are not resident here and you cannot be registered", so it is only people who genuinely live in more than one location.

We did consider as part of this process whether people ought to be registered in more than one place, but we felt that the current system, which is if you genuinely live in more than one place, and therefore you do potentially pay taxes to more than one thing, you should have the right. Clearly it would have had significant impact if we said people could not be registered in more than one place, because in areas where there are students, that potentially would have removed all of those students from the electoral register and they would have all perhaps been registered at the home address, which would have made some quite significant differences. They might have been good or they might have been bad, depending on what they do, but we have stuck with the existing system.

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We did think about that—the issue of checking and knowing whether people are registered, again to tighten up on whether people illegally vote more than once in a general election. The only way you can really deal with that is if you effectively have a national register, and we were very clear, because of the concerns that Mrs Laing set out around data protection privacy and not wanting to set up a national database, that we are keeping local databases, and also, there is no evidence at all that there is a problem with people who vote more than once in a general election. You are of course allowed to vote in local elections in more than one location, because they are not elections to the same body. We didn't think there is a problem to solve, and the solution would end up being something, a national database, to which we don't want to go, so we have kept the existing system. We are looking at some of the detail about, for example, on your individual form, if you have moved, if you say where you have moved from so that the registration officer has the opportunity to check that you have been removed from the register that you have moved from. But if you are genuinely living in two locations, you will continue to be able to be registered in two locations.

I should just say there are obviously very severe sanctions. If anybody does vote more than once, it is a very serious criminal offence and people would be prosecuted and found guilty if the evidence suggested that was the case.

Q272 Stephen Williams: Of course there is no evidence, because you cannot get evidence if it is impossible to get the evidence. The existing system does not allow you to know who is registered twice, so it is not surprising there is no evidence. But that was not necessarily what I was worried about. It was more about the effects of—

Mark Harper: There is nothing wrong with being registered twice. It is perfectly legitimate if you do genuinely live in two locations. It is about whether you vote more than once in an election to a specific body. If someone casts a vote in more than one constituency in a general election, that is a very serious criminal offence, and if someone thought that somebody had done that, the police would have the powers to investigate it and could ultimately go to a court to uncover the relevant information about whether someone had indeed voted twice. There is no evidence that is very widespread.

Q273 Stephen Williams: That is a subsidiary point of what I was originally asking anyway. The main point was that the boundaries that will be calculated within tight parameters, which is something I support, are now rather more artificial than they would have been under the old rules because of people who are dual-registered. It is a false assumption to believe that because I am registered in the City of Westminster that the quota for that seat doesn't need to change, or in Bristol West, for that matter, for thousands of students. We are creating an artificial boundary within our current system. I am confused as to why, when you considered whether people should be dual-registered, you decided not to remove that ability.

Mark Harper: It is already the case that before the latest change in legislation, the number of people on the electoral register could reflect people who were registered in more than one location. You are right, people may work it out.

Q274 Stephen Williams: But the numbers matter more now, do they not?

Mark Harper: People may think it is more sensitive, the numbers matter, so the question we were really faced with was, should people be able to be registered in more than one location? We did consider whether that should continue, and the two most obvious ones are people that work in one location and live in another, but split their time sort of fairly evenly, and obviously the students. We could have decided that people could only be registered in one location, but we thought that the need to do that wasn't significant enough to make that decision. People can disagree with that, but that was the decision we took. It would clearly have some quite significant impacts if you suddenly said students, for example, had to register in one location, but I suspect most of them would probably end up being registered in the family home, and that will have some significant implications for the register in constituencies. We broadly stuck with the existing system, rather than have that dramatic change. Now, the Committee may have a different view, but that was the view we took.

Q275 Fabian Hamilton: That is understandable if the criteria for boundaries had remained as they historically have been instead of simply being based on numbers of registered electors plus or minus 5%. The problem is that in removing the other criteria, like man-made boundaries, natural boundaries, local authority boundaries and county boundaries, the distortion that is possible by the electoral register not being entirely accurate is going to make much more of a difference, as Stephen has said. My own example, for example, in North East Leeds, by putting half of North Yorkshire into North East Leeds, is a gross distortion and it goes against all the accepted criteria that we have had in the past. Are you not worried that individual voter registration, if some of the most dire predictions come to pass, which I know you are going to do your best to avoid and stop, will further distort those constituency boundaries when they are redrawn after 2015?

Mark Harper: There is a range of questions in there. I think the major one, which is the one you ended on, is I don't think that we will see a register that is less complete or more inaccurate than the one we have today, and that is why we are working on the areas where there is a risk. There is no point in pretending this is going to be a straightforward process. There are areas of risk. Witnesses have flagged up those up, and I have been quite open in saying where they are, and that is why we think we have addressed them, and you will obviously point out to us if you think there are gaps where you don't think our plans address them.

First of all, boundaries have always been based on the numbers. In the old legislation, they were supposed to aim at constituencies that were exactly the same size,

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at the quota, but obviously it was subject to all those other things and what happened was you then had a massive range. We haven't removed all of those other things at all. We have said there is now a narrower range and you have to be plus or minus 5%, but within that, you can take into account all of those other things.

Q276 Fabian Hamilton: Sorry to interrupt you. They do not seem to have taken into account those other factors though, do they? That is the problem.

Mark Harper: That is one of the arguments and that is one of the debates that is going to happen through the consultation process. I know, for example, I looked at the—and I can say this, because they have published them now—Scottish proposals, and in Scotland, for example, the Boundary Commission for Scotland in many cases has managed to stick within—where sensible, they have looked at local government boundaries, they have managed to keep quite a number of constituencies and they have looked at existing constituency boundaries. They have tried to respect all of those things and they think they have done a pretty good job. It will obviously be for others to judge whether they have done that, and there will be Members—

Q277 Fabian Hamilton: Well, I am glad they have done that in Scotland, Minister.

Mark Harper: No, but part of the point of the process of consultation is for communities and MPs and political parties and members of the public to say, "Have they properly balanced those things out?" That is obviously not for Ministers; that is for the Boundary Commission to listen to that evidence and to weigh that up when they bring forward their revised proposals. But you are right. We did tighten it up because the problem with the previous system was that the range was enormous. You had constituencies; some have had 40,000 electors in them and some of them had 90,000 electors, and that massive difference in the weight of people's votes is just not defensible, and I think all the parties agreed that constituencies should be of more equal size. We felt that plus or minus 5%, a 10% range, 8,000 voters, was the right balance. Clearly, when the legislation was going through the House, other people took a different view. Parliament in the end settled on plus or minus 5%.

Q278 Fabian Hamilton: As the only criterion that is important?

Mark Harper: No, as the most important criteria, but within that quite significant range, you can take into account all of those other factors, and indeed, when they draw up the options, they can look at those other factors when they are weighing them up.

Q279 Fabian Hamilton: There are significant errors and omissions there, but we are not here to discuss the boundaries. I appreciate that.

Can I just come back to the issue in question and ask you something about individual voter registration that refers to the very few people, I think perhaps mainly in the inner city areas, who believe that being on the electoral register in the first place helps the authorities

to find them when they wish to be invisible? Do you think that individual voter registration will make it easier or harder for those who wish to avoid registration for dubious reasons?

Mark Harper: I am not sure for what dubious reasons people don't want to be—just not being on the electoral register, to forget somebody, but let me just take your assertion at face value. No, because the fact is we already know—I have said it may not be the most accurate data—that something like between 7% and 10% of people are not registered to vote anyway, so even under a system where sending back the household registration form is supposedly mandatory, the fact is that quite a lot of people, i.e. several million people, don't do that. So it would seem to me that, as you have suggested, for dubious reasons—and I presume dubious means criminal or verging towards criminal reasons—if people wanted to do that, they are clearly, I suspect, in the group of people who do not send back their form already. I am not sure that for that group of people this is going to make any difference at all, frankly. I don't think that group will be very large, but I mean, frankly—

Fabian Hamilton: No, it isn't.

Mark Harper:—if those are the sort of people who have all sorts of reasons for not being registered, not principled reasons but for all sorts of reasons, I don't think they are going to be particularly fussed about whether you do or don't have to send a form back, to be honest. I do not think it is going to make a difference. I suspect those are the people who are not registered already.

Q280 Fabian Hamilton: Yes, I think you are probably right. Any canvassing future, any ways of trying to strengthen and make the register more complete that you feel will still avoid finding these people because they don't want to be found?

Mark Harper: Yes. I mean, if people try hard enough—any system, if you look around the world, has a chunk of people who are not registered, and I suspect if someone really doesn't want to be, unless you went to absurd lengths to try and force them to, I suspect that being on the electoral register is probably the least that we have to worry about for groups like the ones you are talking about. You have to worry about what they are up to.

Q281 Sheila Gilmore: Just a couple of questions. For the postal voting, will those who want postal votes be invited to register?

Mark Harper: Yes.

Q282 Sheila Gilmore: Those people who have their postal vote carried over, certainly individual registration, I think they have their postal vote eligibility carried over automatically or do you have to do a second set of forms? Because at the moment when you register to vote, there is generally a box to tick, but then another form comes so will they still have to go through the full process? Arguably, the one group of people who are individually registered are postal voters, because they have to fill in a special form anyway, so it seems slightly perverse that the people who have already gone through a fairly

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individualised process will lose that postal vote potentially if they don't return the individual registration form, whereas other people will be carried over.

Mark Harper: Yes. Well, several questions there. The first one is no, you get your individual form, you are on the register already. You have your postal vote and you get written to and you send it back, you are on the register again. My understanding is that—and certainly this is our intention and I think certainly what local authorities would want—if you have got an existing postal vote registration, that would be carried over. I don't think anybody wants to kind of recreate another set of forms we have to send out. Remember though, with somebody who is registered for a postal vote, the thing we are concerned about is the potential for fraud, and the problem with someone who is on the register who shouldn't be is that if they have managed to get on to the register and they shouldn't have been, for whatever reason, it is quite easy for them to get registered to vote by post, because they can fill in a date of birth, which is not checked against anything if they put it down. It is checked against when they cast their vote, but it is not checked against anything else. They have a signature, which is also not checked against anything. It is checked against the vote, so if you manage to register fraudulently, there are no more checks on the postal vote. There is a check that the postal vote is cast by the person who is registered, but it doesn't catch people who have registered fraudulently. That is the reason for allowing people to be carried forward, so we don't inappropriately exclude people who are eligible by not letting them cast a postal vote.

Q283 Sheila Gilmore: I think all members of the Committee have been contacted by overseas electors, suggesting that the period of 15 years is too short. I wondered if the Government had any views.

Mark Harper: A couple of things. Some of the things we have not really focused on are proposals on the changes to electoral administration. Some of those will help overseas voters anyway, so lengthening, for example, the period of a general election by eight days does enable a bigger set of people to vote themselves by post, rather than have to nominate a proxy, because you have added a fairly significant extra chunk of time to the process.

On the issue about the time limit, the 15 years, that is something the Government is considering at the moment, and if we decide that we want to change that, that is obviously something that we will bring forward for decision in the House. It would have to be a legislative change. That is something the Government is considering at the moment, but we have not reached a decision.

Q284 Mrs Laing: Looking more widely at the process of the election—and indeed, I think this is a little bit last minute, we won't have time to explore all of this this morning as well as the wide range of issues we have already looked at—but looking generally at the duties and responsibilities of electoral registration officers and returning officers and the structure under which they operate, that is how much

they can be advised that they have to do by the Electoral Commission, but not required, because they don't have a reporting structure, and given what happened at the close of poll at the last general election, government is consulting on several draft electoral administration provisions, but am I right in thinking that there is no consultation on what should happen at the close of poll?

Mark Harper: Right. You raise two very important issues there. I will deal with both of them, if I may, Chairman. But the first one, which is the wider structural point, which is who has responsibility and who is in charge, for elections, returning officers are independent officeholders appointed. They have a legal duty to run the elections. They are obviously usually the local authority chief executive or whatever and his team, but the office they hold as returning officer is an independent one. They have a legal duty, a whole range of legal duties to comply with. The Electoral Commission gives them guidance and monitors their performance, but is not in a management role.

One of the things that we will look at is obviously at the referendum this year, when the Chairman of the Electoral Commission was the chief counting officer, and for the referendum, she was in control and was able to issue directions. One of the things that we have said we will look at is the extent to which that was a success and what the Electoral Commission thought about it and what administrators thought about it, and various reports will come out and we will consider those and see whether that has any wider lessons for how we run elections. I mean, I think it is fair to say the Electoral Commission are quite keen for a bigger role. At the moment, that is unproven.

On your specific point about close of poll, the view the Government took, there clearly was an issue in a number of constituencies, but it was a very small number of constituencies and a relatively small number of electors, and of course anybody being deprived of their vote is important, but you also have to look at if you were to make a change, do you then set up something that has a load of unforeseen consequences? The very clear view we had was that trying to come up with a system where you somehow set up a queuing process, people who have turned up are all allowed to vote, carries with it a whole lot of other concerns and there are lots of constituencies where that would raise a whole load of questions about how you manage that, how you dealt with who was in the queue and all of those sorts of issues. So our view was given the fact also that the concerns—and I think it is the Electoral Commission's view—were largely around poor planning, poor resource management, and I know in a number of those authorities where they had issues, for example, in Manchester, I know they have taken steps to deal with the size of the—or the way they have resourced different polling districts, the assumptions they have made, and they have dealt with some of those issues. I think that those are the proportionate steps and the Government's position at the moment is it doesn't feel that a legislative change is required to deal with that problem. I think it is fair to say one of the things the Electoral Commission will make very clear is that

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people are very well aware of what the rules are, so polls are open for a significant period of time each day. People are able to have a postal vote on demand. If lots of people all turn up at the last minute, there will clearly be issues. The biggest concern on that day was that some people turned up pretty early on and there had been some very poor planning and poor resourcing, and I think it won't have escaped returning officers' notice that they need to make sure that that does not happen in their area. As I said, I think the evidence is that in those areas where they had issues, the returning officers have learned from what happened and have taken steps already to make sure that those lessons don't—or that those situations don't recur in the future.

Q285 Mrs Laing: So there might not be any significant difference at the next general election except that returning officers are now warned what can happen?

Mark Harper: I think what happened will have been a salutary lesson for them, but as I said, the proposed solution that the Electoral Commission suggested around allowing anyone who had turned up at the polling station by 10.00am to be issued with a ballot paper creates in itself a whole range of other complexities around having to determine—

Mrs Laing: Where the boundaries are.

Mark Harper:—where the boundaries are, managing a queue and all of those concerns and the evidence that we got and the views we got from administrators was that raised in itself a whole load of other questions, and the danger was, given that the number of electors and the number of polling stations where there were problems were very small, the danger if you do something that is not well thought through is you might solve that one particular problem and you just create a whole load of other problems and you make the situation worse. So the Government's view was the way to solve this is to deal with the root cause, which was poor planning, poor resource allocation, and I think that was the lesson from the Electoral Commission's analysis, and I think in those areas where there were issues, those issues have been dealt with.

Q286 Mrs Laing: Thank you. Finally, coming back to where we started on the accuracy and completeness of the register, Minister, we have looked at so many aspects of it today. Can I just take you back to the significant concern that this Committee had after we took evidence from the Electoral Commission and others about the statistic that the Chairman of the Electoral Commission used, that the percentage of people registering to vote might fall as low as 60%? Having considered all of the issues which surround that and given that the Committee was rather shocked at that statistic a few weeks ago, can you just sum up for us the safeguards which you consider will be put in place which will not allow that drop to 60%?

Mark Harper: Sure. I think that worst-case scenario was predicated on saying that only those people who were intending to exercise their vote would register, and therefore drawing that assumption—and I think that was the thrust behind some of the questions that

Mr Hunt asked me about did we think you had sort of changed the culture, if you like—I said we will look at some of the language in there to make sure that we make it very clear—as I have done all the way through this process—that in terms of the civic responsibility and the importance of indeed both registering and voting, the Government thinks that is very important, and we will make sure we have not inadvertently sent out any signals that that is not the case.

But secondly, in terms of the process, I think the process around the 2014 write-out is pretty robust in terms of making sure we reach everybody, those already registered, but also those who will be newly coming up to the register that year or may have moved I think is robust, and I think that is a good, solid approach, and registration officers will still have all their suite of tools in terms of doorstep canvassing, they will still have a duty to follow up people who don't send forms back and so forth, and we have already said we will deal with addressing the concerns people have got about the opt out.

Of course, I think the other thing to say is we are working very closely with the Electoral Commission. The Electoral Commission are represented on my board in the Cabinet Office, who are delivering this programme. We are working very closely with them. They will obviously have a key role in the public information campaign. We are working very closely with stakeholder groups, particularly those who represent some of the groups who are less likely to be registered. We are working very closely with the electoral administrators, local authority chief executives, and we have a programme that is properly funded and resourced, so all of those things together and the fact that we have published the proposals and the draft legislation for both consultation with the public, but also pre-legislative scrutiny by this Committee and by Parliament means we are keen to listen to people's concerns and we will address them where we think they have flagged up things that we either had not thought of or where perhaps they think we haven't properly addressed them.

The final thing I would say, Mr Chairman—if that is indeed the last question—is we look forward to your report. We will take your report very seriously. If there are things you think we need to look at again, please say so. We will look at those then and see whether we need to make any changes to the legislation before we bring it before the House.

Q287 Chair: Given that the Committee rightly jumped up and down in great agitation because of the lack of consultation on a couple of previous occasions, I think it is incumbent upon me to thank the Minister particularly for taking account of a number of the representations that we have made and the evidence that we have produced, not least on the tickbox, on the, "Don't bother me again" issue. We very much appreciate the response that has come from government on that. I think it is no surprise we may consider in our report to press you even harder on the 2014 canvass, but that will be for Members to decide. But I very much welcome the way in which this has been conducted, and hopefully we can continue to play a constructive part in this. This is something, as

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Andrew said, all parties are pretty much agreed on in principle, so it is just a matter of all of us getting together to make sure the practice is right. Mark, thank you very much for your time this morning.

Mark Harper: Thank you.

Chair: We appreciate it.

Mark Harper: Thank you for your Members' interest.

Chair: Thank you.

Written evidence

Written evidence submitted by Dr Stuart Wilks-Heeg, Director, Democratic Audit

GENERAL OBSERVATIONS ON THE GOVERNMENT'S WHITE PAPER ON INDIVIDUAL ELECTORAL REGISTRATION

1. This note offers a number of general observations with regard to the Government's proposals for Individual Electoral Registration (IER). In a separate note,¹ I have also provided some more detailed evidence and commentary relating to trends in electoral registration and the incidence of electoral fraud.

2. I broadly welcome the Government's proposals for individual electoral registration, which was first advocated by the Electoral Commission in 2003. The Labour Governments of 2001–05 and 2005–10 were cautious about moving to IER, however. A key reason for this caution was a legitimate concern about the likely impact on levels of electoral registration, particularly in light of the experience of introducing IER in Northern Ireland in 2002, which has reduced the number of registered electors significantly. Only part of this fall can be explained with reference to the removal of inaccurate, duplicate and “bogus” entries (see my supplementary note on this issue). However, growing concerns about electoral malpractice during the 1990s added to the pressure on government to take action, resulting in provisions for IER being introduced in the Political Parties and Elections Act, 2009.

3. The proposals in the current White Paper dispense with the “voluntary phase” of IER legislated for by the outgoing Labour Government, while also seeking to improve the effectiveness of IER as a means of maintaining the electoral registers. In seeking to accelerate the introduction of IER, the Government had placed considerable emphasis on the need to reduce the scope for, and incident of, electoral fraud (although, as my supplementary note suggests, there are signs that electoral malpractice may already be on the decline).

4. Given the above, there are a number of positive features about the proposal which I would want to underline to the Committee.

- (i) It is encouraging that the White Paper recognises the need to learn from the experience of introducing IER in Northern Ireland. In particular, while recognising that IER has generally worked well in Northern Ireland, the White Paper notes the importance of managing the transition to IER in a way that reduces the risk of eligible voters falling off the register. The provision to “carry forward” electors who fail to register under IER so that they remain eligible to vote at the 2015 General Election is therefore a very important one—although it does raise the possibility that the registers on which the 2015 election is fought could well contain more inaccuracies than would normally be the case (see below).
- (ii) I endorse the White Paper's view that electoral registration is ripe for modernisation. However, it is also important that the introduction of IER does not jettison tried and tested methods of updating the registers. It is especially important, in my view, that the White Paper indicates that no decision is to be made at this stage about the future of the annual canvass under IER. The annual canvass remains a vital tool for updating the registers in Great Britain, and an effective canvass will result in registers with high levels of completeness and accuracy. However, for reasons which are poorly understood, experience in Northern Ireland suggests that conducting a canvass can actually serve to reduce registration levels under IER. The White Paper's insistence that any decision to dispense with the annual canvass must first be approved by Parliament is therefore crucial.
- (iii) The provisions for data matching pilots are very encouraging and these appear to have been well thought through. However, it remains to be seen whether the other public databases which have been selected for this piloting will be sufficient to identify those individuals who are typically most difficult to register via the annual canvass.
- (iv) I also welcome the Government's decision to fund research which will produce a national estimate of the completeness and accuracy of the registers prior to the introduction of IER. This will be vital for the task of monitoring the impact of the changes. This research will complement the research evidence which will emerge in 2013–14 from the matching of 2011 Census records against register entries (which is the most reliable way of estimating the completeness and accuracy of the registers).
- (v) The recognition given to the issue of low rates of electoral registration among members of the armed services is also welcome, as is the proposal to focus some of the data matching pilots on service personnel (paragraph 99, page 26).

5. However, I also have some concerns about the proposals as they stand.

- (i) As a result of providing the assurance that non-respondents in 2014 will not be removed from the register, steps will need to be taken to mitigate the risk of the 2015 register being less complete and accurate than normal. If large number of electors who appear on the 2013 register fail to respond to the first IER canvass in 2014, at least some will risk being disenfranchised as a result of moving house (i.e. their name will remain on the register, but they will be registered at the wrong address). The emphasis in the White Paper on the duties of EROs is crucial in this regard.

¹ EV 70

- It will be vital that EROs write to all non-responders in 2014 and ensure that at least one attempt is made to canvass each non-responding household in person. Resourcing will also be important here.
- (ii) The White Paper notes that the electoral registers are used for a number of purposes beyond elections, such as to verify the identity of people applying for credit or opening a bank account. However, the White Paper makes no reference to the role of the electoral registers in the redrawing of boundaries for parliamentary constituencies. If registration levels fluctuate significantly under IER, as they have in Northern Ireland, the implications for the boundary review process could prove to be profound. The implications of fluctuations in registration levels could prove particularly significant given the new requirements for all but four constituencies to have electorates within +/- 5% of the arithmetic mean (electoral quota).
 - (iii) I am somewhat surprised by the proposal not to proceed with the construction on a Coordinated On-line Register of Electors (CORE). While concerns about data protection may lie behind this decision, the absence of a single electronic register would appear to reduce the scope for EROs to use IER to weed out duplicate entries from across the registers. In particular, I am not sure how EROs will be able to use the information about each elector's date of birth to identify ineligible duplicate entries in another EROs register.
 - (iv) I am concerned by the emphasis on choice throughout the White Paper. Stressing that individuals have the choice about whether to register or not is a significant departure from the current system in which it is widely understood to be a legal requirement to complete an electoral registration form. Admittedly, the threat of legal action is very rarely used by EROs, and attempts to instigate such action are virtually unheard of. Nonetheless, it is highly likely that many electors will take the legal requirement to complete the form very seriously. An express statement that registering to vote is a matter of choice is almost certain to result in a decline in registration levels.

September 2011

Supplementary written evidence submitted by Dr Stuart Wilks-Heeg, Director, Democratic Audit

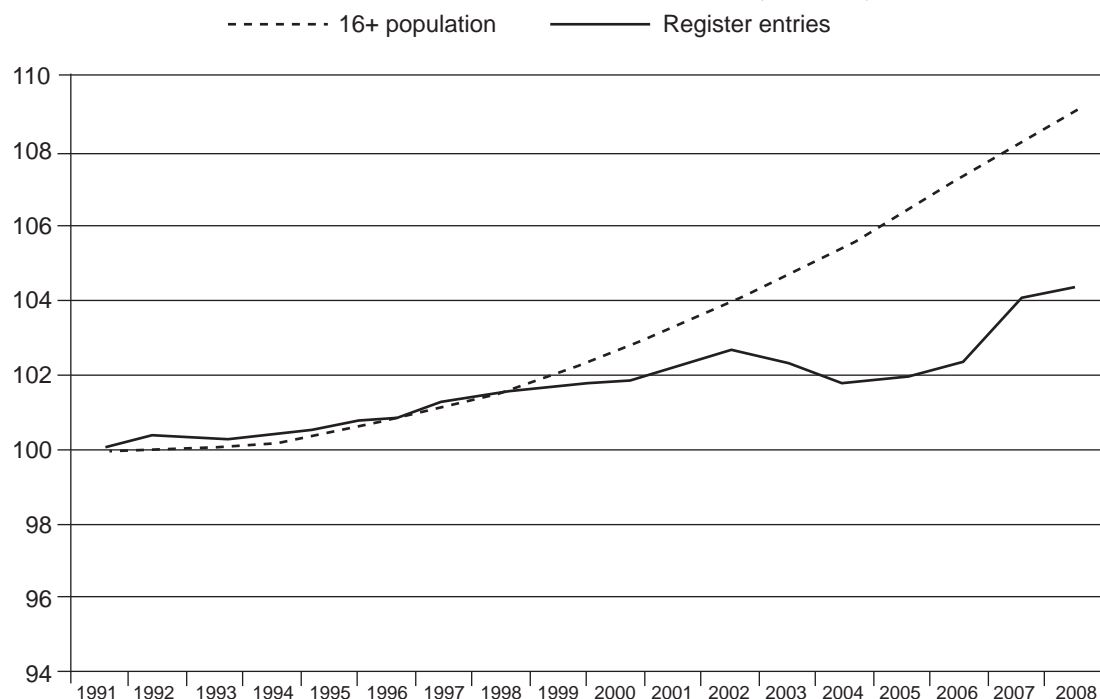
SUPPLEMENTARY NOTE ON TRENDS IN REGISTRATION LEVELS AND ELECTORAL MALPRACTICE

FALLING REGISTRATION LEVELS

1. There has been a gradual, long-term decline in levels of electoral registration in the UK. However, it is also clear that registration levels have received two substantial hits in recent decades. The first was in the early 1990s, when some 600,000 voters de-registered in an attempt to avoid payment of the Community Charge (Poll Tax). While levels of electoral registration recovered during the 1990s, there was another big drop in registration levels in the early 2000s. Figure 1 shows the change in the number of entries appearing on the UK's electoral registers from 1991–2008 compared to the change in the overall size of the voting age population over the same period. As the graph indicates, the number of entries on the electoral registers failed to keep pace with population growth from the late 1990s onwards. While part of the increase in the population aged 16 and above will have been explained by increased immigration (including adults ineligible to vote in the UK), the graph also shows an absolute decrease in the number of register entries from 2002–04, equivalent to 560,000 voters.

Figure 1

CHANGE IN THE UK POPULATION AGED 16 AND ABOVE AND IN THE NUMBER OF ENTRIES ON THE ELECTORAL REGISTER, 1991–2008 (1991=100)

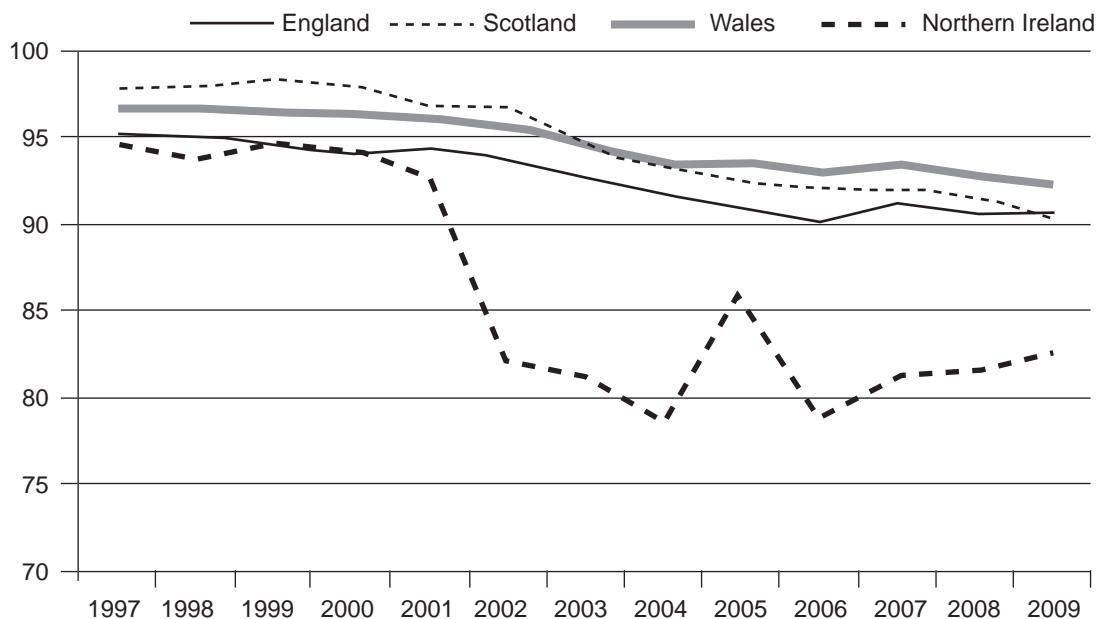


Sources: Calculated from ONS, *Electoral Statistics* and ONS *Mid-year Population Estimates*

2. About a quarter of this decline in the number of UK electors was associated with the introduction of individual voter registration in Northern Ireland—an initiative designed to tackle allegations of electoral fraud, which is likely to have removed a number of illegitimate and duplicate entries from the register. However, it would also appear that the use of individual registration in Northern Ireland has served to reduce the overall proportion of eligible voters who appear on the register. As figure 2.1b shows, the notional registration rate in Northern Ireland (calculated by dividing the number of register entries by the total population aged 16 and over) dropped from just under 95 % in 1997 to just 79 % in 2004, and has since stabilised at around 82 %.

3. Figure 2 also shows that from 1997–2009 the notional registration rate fell in England, Wales and Scotland by 4, 5 and 8 percentage points respectively. Increased immigration, which artificially inflates the estimate of the voting-age population, again explains only part of the decline. Electoral statistics point to an absolute loss of 430,000 Parliamentary electors in Great Britain from 2002–04, which has nothing to do with patterns of migration. Ironically, this decline in registration levels followed the introduction of “rolling registration”, designed to improve the state of the registers by enabling individuals to register at any time outside of the canvass period. It is possible that, following the RPA 2000, some local authorities opted to reduce expenditure on the annual canvass, on the assumption that electors who failed to respond would take up the opportunity to register via rolling registration. However, recent research by the Electoral Commission demonstrates that the take-up of rolling registration is low—with less than a quarter of home-movers making use of the provision.

Figure 2
 NOTIONAL REGISTRATION RATE FOR ENGLAND, SCOTLAND, WALES AND NORTHERN IRELAND, 1997–2009



Sources: Calculated from ONS, Electoral Statistics and ONS Mid-year Population Estimates

THE INCIDENCE OF ELECTORAL FRAUD

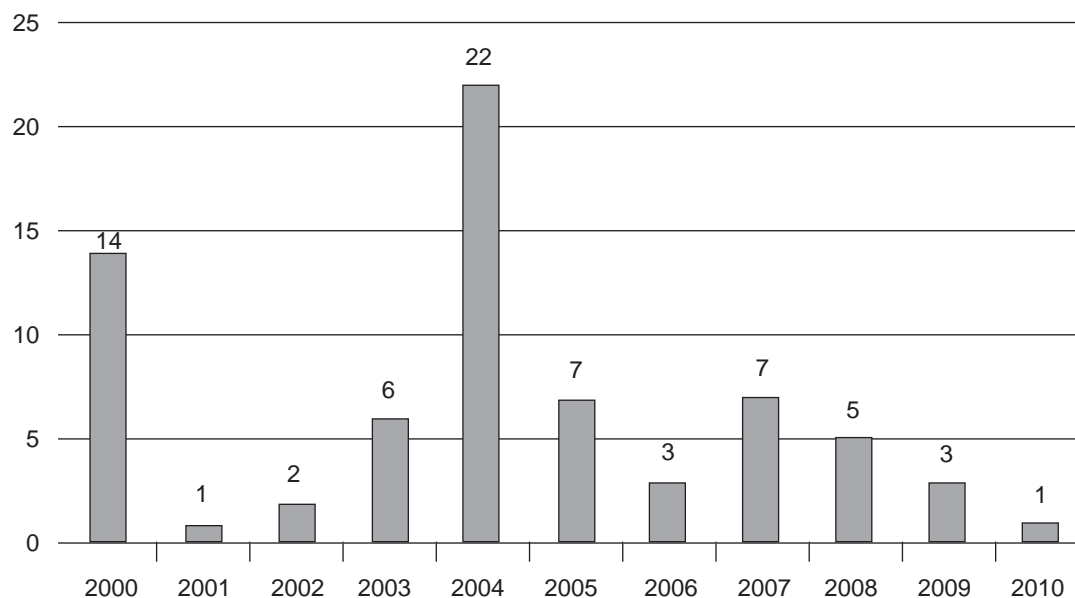
4. It is extremely difficult to estimate how much electoral fraud there is in the UK. In total, more than 100 people have been found guilty of electoral malpractice in the UK since 1994. The vast majority of convictions have involved postal or proxy ballots, often in conjunction with attempts to manipulate the electoral registers by registering bogus electors or adding electors to the register at empty properties.

5. The emergence of electoral fraud as an issue in UK politics in the past decade cannot be divorced from changes in electoral law since the 1990s, which introduced provisions for proxy voting and the widespread availability of postal voting. In particular, the introduction of “postal voting on demand” via the Representation of the People Act 2000 created obvious opportunities for malpractice, especially when combined with a trust-based system of electoral registration. Electoral Registration Officers (EROs) have no real scope to verify a voter’s identity, their eligibility to vote or whether they are already registered to vote elsewhere.

6. Figure 3 shows the number of known instances where defendants were found guilty of, or pleaded guilty to, electoral offences in a UK court from 2000–10. Although certain to underestimate the extent of fraud, these figures point to a very clear peak in offences in 2004, when all-postal voting trials were run in four English regions for the combined European and local elections. The graph also highlights that half of those found guilty of electoral malpractice over the decade committed their offences at elections in the period from 2003–05.

Figure 3

PERSONS FOUND GUILTY OF ELECTORAL MALPRACTICE IN THE UK, 2000–10, BY YEAR OF ELECTION



Sources: Base data for 2000–07 is from Wilks-Heeg (2008), appendix C. Additional data from: Electoral Commission/ACPO (2009, 2010, 2011); Lords Hansard 26 October 2010, column 252w; Unlock Democracy—Stamp out Voting Fraud.

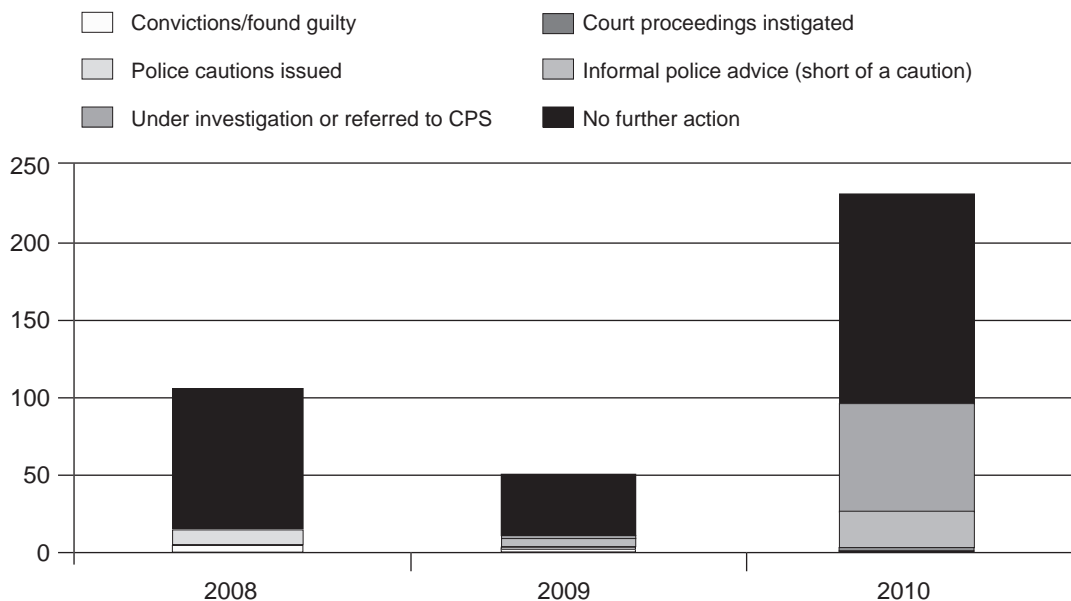
Note: Statistics are based on known cases, as of 22 March 2011. A number of allegations reported to police in 2010 were still under investigation at this time.

7. The Electoral Administration Act of 2006 introduced a requirement for applicants for a postal ballot to supply “personal identifiers” (their date of birth and signature), as a basis for the subsequent verification of their postal voting statement submitted at the time of voting. There have also been substantial improvements in the guidance provided by the Electoral Commission to electoral administrators and police forces and in the recording and monitoring of fraud allegations reported to the police. The clear decline in the number of convictions for electoral fraud since 2007 therefore suggests that recent efforts to safeguard the system appear to have been at least partially successful.

8. Since 2008 the EC has reported annually, in conjunction with the Association of Chief Police Officers (ACPO) on allegations of electoral fraud and their outcomes. However, while the EC/ACPO reports demonstrate that the number of prosecutions for electoral fraud has fallen substantially, they also show that accusations of malpractice remain widespread. Figure 4, based on the EC/ACPO figures, shows that there were over 100 cases reported to police forces in Great Britain in 2008 and a further 50 in 2009. In 2010, a general election year, the number of cases involving allegations of electoral fraud rose sharply. A total of 232 cases were reported to police in Great Britain in 2010 (with a further 25 cases in Northern Ireland), and allegations of fraud were reported to four-fifths of the UK's 52 police forces.

Figure 4

OUTCOME OF CASES INVOLVING ELECTORAL MALPRACTICE ALLEGATIONS REPORTED TO THE POLICE, GREAT BRITAIN, 2008–10



Sources: Derived from Electoral Commission/ACPO (2009, 2010, 2011)

9. The vast majority of cases resulted in no further action being taken and, as the graph shows, the number of convictions represents a tiny proportion (around 2%) of all cases investigated. Of the 232 cases reported to police in Great Britain in 2010, 137 resulted in no further action. At the time the Commission reported on the allegations in February 2011, just one had resulted in a conviction and two in formal police cautions, while court proceedings had been instigated in one further instance. In addition, 23 allegations had resulted in the police providing informal advice, with a further 68 allegations still under investigation or awaiting advice from the Crown Prosecution Service (Electoral Commission, 2011). However, these figures also hint at wider evidence of malpractice than is captured by the number of convictions. From 2008–10, around one-tenth of cases examined by police resulted in the police issuing either formal cautions or providing informal advice short of a caution.

September 2011

Written evidence submitted by the London Borough of Tower Hamlets

BACKGROUND

1. The canvass return rate in Tower Hamlets for the 2011 Register of Electors, published on 10 January 2011, was 84.4%, leaving nearly 16% non-responding properties. Tower Hamlets has a high proportion of gated and private blocks (7%), which are difficult to canvass due to entry systems or concierge refusing entry. In addition to this, we have a significant amount of short term company lets where the residents are only in situ for a few weeks and therefore do not respond.

2. The annual canvass in Tower Hamlets is conducted in three main stages:

- Stage 1—canvassers to knock and collect initial voter registration forms over a four week period, then hand deliver remaining forms.
- Stage 2—canvassers to knock and collect reminder voter registration forms over a four week period, then hand deliver remaining forms.
- Stage 3—Royal Mail to deliver final reminder voter registration forms, with a four week period to respond.

3. Over the last five years using over 130 canvassers to make personal visits from the beginning of the annual canvass has resulted in an average of 40% properties responding to the canvassers visits at stage one and a further 25% responding to the canvassers visits at stage two. The remaining returns are from the telephone/Internet services used for no changes or via the post.

<i>REGISTER</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Electorate @ 1 December	152,372	152,466	156,712	160,278	169,181 (10/1/2011)
Properties @ 1 December	101,657	104,610	103,944	108,690	111,310
Canvass Form Return	82%	82.20%	86.84%	81.76%	84.40%
2 year non-responder deletions	n/a	n/a	4,507	4,467	3,251
Opt Outs from Edited Register	65,377 (42.9%)	40,658 (26.7%)	71,013 (45.3%)	103,006 (64.27%)	115,572 (68.31%)
Young Attainers (16/17 years)	1,449	1,550	1,210	2,190	1,741
Over 70's	10,818	11,063	10,540	10,222	9,939
European Union citizens	9,571	10,796	12,259	13,125	14,677
Service Voters	25	23	21	31	36
Overseas Voters	44	43	51	66	233
Crown Servants	9	4	6	9	12
Telephone Response Line (% responded properties)	6,837 (8.3%)	4,573 (5.4%)	5,805 (7.4%)	4,689 (5.43%)	5,031 (5.48%)
Internet Service (% responded properties)	6,233 (7.6%)	5,012 (5.9%)	6,554 (8.3%)	5,444 (6.3%)	6,311 (6.87%)
Absent Voters	12,658	17,712	15,284	15,642	22,865
Postal Vote applications sent	n/a	n/a	13,095	12,647	5,634
Proxy Vote applications sent	n/a	n/a	256	249	219

4. Annually we have an average of 50% of properties who have changes to their registration details during the canvass period.

5. Any resident who refuses to register during the annual canvass period are sent a letter and a copy of the regulations confirming the requirement to provide their details. At the end of the canvass period, the properties are checked again to confirm if they have completed a voter registration form.

6. If no form has been returned, the resident's details are confirmed on the council tax system and handed over to our Legal department. Legal will then write to each individual, giving them a final opportunity to register. If they fail to return a form, a summons is issued, giving the resident a date to appear in court. Each year we issue an average of 70–75 summonses, but when the court arrives, this will reduce to around seven. In 2010, five residents were fined and ordered to pay a total of £365 each. In 2011, five of the seven residents due to attend court were fined and ordered to pay a total of £365 each. The other two residents, who were repeat offenders, were ordered to pay a total of £465 each.

7. Over the past three years we have developed many initiatives to improve the accuracy of the register and encourage registration through—Citizenship ceremonies, Household registration forms in our one-stop-shop reception areas, Household registration form sent out with new council tax bills and Household registration forms on our website. The statistics for the 2011 Register are as follows:

<i>MONTH</i>	<i>ADDITIONS</i>	<i>DELETIONS</i>	<i>AMENDMENTS</i>	<i>TOTAL</i>	<i>ELECTORATE</i>
4 January					Published on 10 January 2011
1 February					169,181
1 March	732	409	84	1,225	169,496
1 April	857	550	115	1,522	169,809
4 May	1,350	2,028	163	3,541	169,132
1 June	744	885	112	1,741	168,994
1 July	803	1101	63	1,967	168,696
2 August	718	656	82	1,456	168,759
1 September	1683	1046	169	2,898	169,397
YEARLY TOTALS	6,887	6,675	788	14,350	

TOWER HAMLETS DATA MATCHING APPROACH

8. Tower Hamlets chose the whole borough to trial the data matching process. Following receipt of the initial data set from DWP, where there were more than 500,000 records returned, we asked for a further match to take place with matching currency of the records to be reduced to two years (in line with the life of the Register). This resulted in a reduction of around 100,000 records.

9. There are 24,675 DWP records where the names on the DWP database match with a void ERO property. These matches were conducted by Nick at eXpress, who came to our offices on two occasions to conduct

additional matches for us. These records have loaded all of these records into eXpress and we will monitor the response throughout the canvass period. If, towards the end of October, we have not received a response from the property, we will write out to the named individual and ask them to confirm their residency.

10. There are 83,783 ERO records that have not been matched against the DWP database records. Again, we have loaded all of these records into eXpress and will monitor the response throughout the canvass period. If, towards the end of October, we have not received a response from the property, we will write out to the named individual and ask them to confirm their residency.

11. The letter will confirm we are conducting a pilot for the Cabinet Office and have received information from a government database that does not match the records held on our current Register.

12. Each year, we remove around 4,000 electors as a result of the two year non-responders. So again, there may be some people in this dataset who will be deleted naturally through these removals.

13. There are a further 39,863 DWP records where we currently cannot match the names to an address in the borough. We will manually match as many of these records as possible before the start of the annual canvass and load the records into eXpress. During the canvass period, we will carry on matching the addresses and load them into eXpress periodically. However, if all else fails, we will take a sample of these records (% from each ward) and carry out additional manual checks throughout the canvass period.

PRELIMINARY RESULTS OF DATA MATCHING WITH DWP

- 169,397 records provided by the ERO;
- 286,675 records received back from DWP;
- 106,860 confirmed matches (up to 55% match);
- 139,952 additional data matches found by the ERO to addresses; and
- 39,863 manual matches to perform with Council Tax records and previous registers of which, 2,700 (see table 1) were manually matched before the start of the canvass.

Table 1

PRELIMINARY MANUAL DATA MATCHING CODES AND RESULTS AS @ 12/8/2011

1 =	Property and Elector match—133 (4.93%)
2 =	Property Only match—1,645 (60.93%)
3 =	Property Only match, but confirmed Elector Move by ERO—188 (6.96%)
4 =	Property Not Identified—62 (2.3%)
5 =	New Property Identified—2 (0.07%)
6 =	Incorrect Postcode/Address—85 (3.15%)
7 =	Confirmed Commercial Property—6 (0.22%)
8 =	Foreign Nationals—76 (2.81%)
9 =	Elector Search—found at another address—1 (0.03%)
10 =	Property Identified, new elector found—494 (18.3%)
11 =	Duplicate DWP entry—8 (0.3%)

IDENTIFYING ELIGIBLE AND NON-ELIGIBLE ELECTORS

14. At present the results do not show whether these are indeed accurate records. This will only become clear as the canvass progresses and additional matches are undertaken. During the initial manual match in table 1, we identified 494 new residents, who were sent a personalised Registration form to complete. To date, 55 forms (11%) have been completed and returned.

15. It is also clear that the data contains people who should not be followed up as a missing elector as a result of one of the following circumstances:

- Non-qualifying nationality. The DWP data does not provide nationality which is one of the criteria for registration.
- Duplicate records held by the DWP. Due to the way data has been presented back, we are unable to establish the level of duplicate entries existing in the DWP data.
- Confirmed Moves. With a high population churn, there are a number of properties with multiple electors who have been confirmed as moved by the new resident, or confirmed by council tax records.
- Out of date records. Again, with a high population churn and migrant communities, a number of properties appear to have an unrealistic number of records for potentially missing electors on the DWP list. This could be potential fraudulent activity in the source data.

ISSUES WITH THE DATA MATCHING PROCESS

16. The data was returned as multiple line entries for each matched property. Additionally the data was returned with duplications to allow property matches to occur which created additional confusion and an inability to identify genuine entries within both data sets.

17. Due to the absence of the LLPG reference or a returned eXpress property reference from the DWP data match, the quality of the addresses incurred additional manual checks, which could have been avoided.

18. Use of inconsistent abbreviations, WY, ST, AV, AVE, CL, in the DWP data created difficulties with property matches.

19. The use of middle names, in full by DWP, but only initials by the ERO caused additional mismatches.

20. Tower Hamlets is concerned about the transfer of data, which was sent via the GCSX network. The data was split into four files by the ERO and sent to DWP for matching. DWP returned a large amount of data in 21 separate files, which was rejected by the ERO due to the currency of the data.

21. The data was matched again by DWP using a currency value of two years. The re-matched data was returned in 12 separate files. To receive the data from DWP, the authority was required to confirm via email that they were ready to receive the data. Once confirmed, DWP would release the first file. This email was stopped by the authorities firewall due to the data being password protected. The email had to be released by ICT. The authority was then required to confirm to DWP via a further email that the data had been received, before the next data file was released. This process had to be followed for all 12 DWP files and took a considerable time to complete.

ADDITIONAL COMMENTS

22. Identifying new residents from within the DWP data set does not allow the authority to add the residents on the register due to lack of additional information required—nationality, exclusion from the edited register etc. These residents can only be invited to register by sending them a registration form. This can be seen as an additional onerous task, with already stretched resources.

23. In order to maximise use of the information, data matching should be performed during the rolling registration period, prior to the annual canvass. This will give the authority time to write out to individuals found during the data match.

24. All new electors identified from the DWP data were checked as still current with our council tax records, prior to being sent a registration form. This exercise has identified the need to set up communication with our own internal departments, to alert us when a resident moves into or out of a property within the borough. We can then allow a period of two to four weeks to enable the resident to settle in, before writing out to each person, inviting them to register.

MOVE TO IER

25. It is currently envisaged that the annual canvass will continue, but will now be a request for information—the household enquiry form. The ERO will be required to send an individual registration form to every eligible person on the household enquiry form, enabling them to register should they so choose.

26. The implications of this voluntary, not mandatory provision will almost certainly have an impact on registration levels within the borough. In Tower Hamlets, I would guesstimate this to be in the region of 20–25%.

27. With the introduction of IER in 2014, an opportunity arises to register ALL residents in the borough, thus creating a “complete” register of electors. At the time of an election, those residents who are not eligible to vote can be identified in the database with a “classification mark” and a separate register produced for election purposes.

September 2011

Written evidence submitted by the London Borough of Southwark

BACKGROUND

1. The canvass return rate in Southwark for the 2010/11 register of electors was just over 92% of properties, giving 8% non-returning properties. Southwark has a high population churn and concentration of typically under registered groups in the borough’s profile.

2. Over the last five years an average of 50% of properties respond to a postal canvass request for information during the annual canvass. After some internal data matching to achieve an additional 10% response, the number requiring further canvassing (door to door visits) is approximately 40% of properties.

Table 3

RETURN RATE FROM ANNUAL CANVASS, WITH ELECTORATES

<i>Year</i>	<i>% Return Rate</i>	<i>Number of Returning Properties</i>	<i>Local Electorate</i>	<i>Parliamentary Electorate</i>
2002	77	88,396	175,211	169,764
2003	65.24	75,485	175,527	169,444
2004	75.47	88,169	175,661	168,750
2005	78.33	93,003	183,936	175,872
2006	85.21	102,895	191,544	182,087
2007	84.2	101,756	193,842	182,143
2008	88.18	106,475	192,881	179,656
2009	91.36	111,598	189,714	175,426
2010	92.24	117,638	192,937	177,545

3. Annually an average of 35% of properties have changes to their registration details during the canvass period.

4. The highest turnout achieved in an election in the authority area over the same time period was at the combined local and general election in May 2010 which saw a turnout of approximately 60%.

5. Prior to the introduction of the required steps to take as part of the annual canvass Southwark undertook a postal only canvass of properties and achieved a 65% response rate on the annual canvass in that year.

6. The introduction of personal identifiers to postal votes in 2007² saw a 21% drop in the number of registered postal voters in Southwark. It took two years for the number of postal voters to return to the pre-2006 level. Postal voters tend to be more likely to vote,³ and tend to comprise of the settled population.

7. Registration levels dropped 10% in Northern Ireland with the introduction of individual registration in 2002. They dropped 16% in Belfast. Metropolitan areas in England have significant challenges in mobile population, high deprivation levels, low owner occupier numbers and other issues connected to an inner city profile.

8. The implications of the move to IER may be an impact on registration levels in the area, the ability to identify and tackle current under registration and the potential for even greater under registration levels.

9. Southwark has selected three wards within the borough to trial the data matching process:

- Riverside—Bermondsey and Old Southwark constituency.
- Peckham—Camberwell and Peckham constituency.
- Village—Dulwich and West Norwood.

PRELIMINARY RESULTS OF THE DATA MATCHING PILOTS

- 30,840 records provided by the ERO;
- 18,235 confirmed matches (59%);
- 1,745 records appearing as missing from the electoral register but appearing on more than one other data set (Map 1);
- 1,586 records for properties at which the ERO had no one registered (Map 2);
- 6,477 DWP records (potential missing electors) put forward for follow up tracking and registration;
- 347 identified non qualifying nationals in the missing DWP data; and
- 18 two or three bed properties containing more than 10 potential missing electors with many more at seven, eight or nine names.

IDENTIFYING ELIGIBLE AND NON-ELIGIBLE ELECTORS

10. As is described in the process report, the data returned did not contain sufficient information to allow for follow up work to commence immediately and additional work has been undertaken with the data in an attempt to define a more likely set of individual names to follow up. At present the results do not show whether these are indeed accurate records.

² Introduced in the Electoral Administration Act 2006 and applied for the first time in January 2007

³ Postal vote returns consistently show a higher turnout than those voting in polling stations

11. We can identify some areas where improvements may help the process—this will be useful if the pilot as a whole is judged to be a success and there is rollout throughout the country. The results of the pilot will only be clear at the end of the canvass and trial period.

12. We have established that the data contains people potentially missing from the register who should not be followed up as a missing elector as a result of one of the following circumstances:

- (1) Non-qualifying nationality. The DWP data does not provide nationality which is one of the criteria for registration. The electoral register does not hold names of people who are not entitled to be registered. Some EROs (including Southwark) do record properties at which all residents have declared themselves to be from non-qualifying countries. This is not however a complete picture of the number of non-qualifying nationals in Southwark. At present we can identify 4% of the persons who have NINOs and are on the DWP records but are not on the register of electors as belonging to this category. We hope to have a clearer picture of the likely scale of this by the end of the pilot.
- (2) Duplicate records held by the DWP. Due to the way data has been presented back (where records have been deliberately duplicated by DWP to allow property matches to occur) we are unable to establish the level or not of duplicates existing in the DWP data at one property or indeed others. If it was possible to identify duplicates within the DWP dataset of people linked to properties, it may be possible to filter for some recent movers within the DWP data set.
- (3) Business premises have been identified amongst the missing DWP records. Further investigation will establish if any of these have a residential element that is not official but at present it appears that this is an area where care may be required. It is likely that these people are correctly registered at their residential address for electoral purposes.
- (4) Deceased people. In the initial data exchange it was clear that a number of deceased people were included in the information (including 161 people in the missing category identified as over 110 years old and which archiving records showed to be deceased). Whilst restricting the data in the second round to only those which have a currency of no more than two years removed all of these 161 records, other records identified as missing have been confirmed as either deceased or moved away from the electoral register or other local data sets. We are currently not in a position to quantify the numbers of these or to say whether they are the result of the time lag between data exchanges and information coming into the ERO from other sources or a problem with the source data currency at the time of matching.
- (5) Out of date records from high population churn and migrant communities. A number of properties appear to have an unrealistic number of records for potentially missing electors on the DWP missing list. For example one three bed terrace house has 14 adults names attached as potential missing and one two bed flat also has 14 adults listed. Whilst such living arrangements do indeed sadly occur it is also likely that some will be rental accommodation with a high population churn (where those who have moved have not been removed from the DWP records) or potential fraudulent activity in the source data.

13. In terms of electors likely to be removed as no longer eligible 6,773 electors have been identified as contained on the register of electors but not captured in the data matching with the DWP. This correlates with the expected population churn for the wards. Whilst the original proposal for Southwark was to conduct reviews on such entries, the changed timing of the pilot activity to coincide with the annual canvass will allow responses to household registration to capture the accuracy of these records with reviews (where necessary) in early December.

CONCERNS ABOUT THE DATA MATCHING PROCESS

14. Presentation of returned data. The data was presented as multiple line items for each matched property. If the data was presented as a single row of data per property it would be of much more practical value for the local authorities own internal data matching purposes. Additionally the data was presented with duplications to allow property matches to occur which created additional confusion and an inability to identify genuine duplicates within both data sets.

15. Quality of address data. Due to the absence of the LLPG reference , and even after having augmented the work of the DWP using locally held address matching software, only a 75% match rate of address data was achievable.

16. The second round of data exchange was missing 5,750 records originally supplied by the ERO.

17. Use of inconsistent abbreviations in the DWP/CIS data—most likely a result of the CIS being a repository for several differing sources creating difficulties in property matches.

18. Supply of details for properties outside the wards or local authority area. This results from the fact that the DWP has to match using postcodes and full postcodes cross both ward and local authority boundaries.

19. Transfer of data and the data matching process. The pilot is concerned with testing the value of the data matching process and not the mechanics but it is evident that a significant piece of work will be required to allow data matching to occur on any wider, sustainable and secure scale.

20. Currency of data and the need for real time data provision.

- It has been established that a major upload of data into the DWP system between the first and second matching exercises had a significant impact on the output match for Southwark. It appears that this was not known about until the local authority questioned the increased volume of matches.
- The local authority is able to identify how recent the activity/contact is from the property in relation to both the ERO records, Council tax and Housing. The way the data exchange has been implemented means we do not however know how recent the activity /contact with the people on the DWP data base is (other than within the last two years).

21. We are still unclear as to what information (and of what value) will be made available from Royal Mail. As time progresses the ability to include any output in any meaningful way is greatly diminished.

ADDITIONAL RISKS IDENTIFIED TO DATE

22. Lack of clarity about how the wider role of data matching may be used in the run up to and post the introduction of IER.

23. The need for DWP to have real time information—to prevent any delay in the currency of the data they hold.

24. Accessing DWP data post IER introduction. This needs to be both secure and easy to use, particularly with a view to confirmation of NI numbers in the context of the 11 day rule.

25. The value of the DWP data set is not proven in helping to identify the current missing residents who will receive the invitation to register in 2014. The risk exists of each individual data set used for data matching losing accuracy, currency and completeness, and hence the quality of the register of electors reduces. This is a particular risk in an environment where local authority resources are limited and data quality is not seen as a priority. The value post IER in identifying the additional fall off post 2015 therefore?

26. Prior to IER what is the likelihood of data matching (with DWP) as a means to identify settled population and move over to IER BY DEFAULT to allow for more resource targeted follow up? If we can match (depending on the part of the country in question) between 50% and 90% of existing entries—then if we can pull NI and DOBs across from this data set we can target resources much more effectively and hopefully reduce the potential drop off.

27. Elections in 2014 Euro and for London local councils—will not lead to maximum possible register for invite—post general would.

September 2011

Written evidence submitted by Darren Whitney, Democratic Services Manager, Stratford on Avon District Council

DATA MATCHING

- I have concerns about data security—DWP sent our data to another council in error.
- The pilots are running several weeks late—okay for the small number of authorities but how will DWP cope with the whole country requesting checking, especially just before an election.
- Data matching of attainers has been easier for us as we can match with dates of birth—so hopefully using personal indicators will speed up the process. Not sure but isn't the current thinking for indicators to only be kept for a short while? I feel this needs further investigation as these will help with spotting duplicates and help EROs when the elector moves from one area to another.
- The form of matching needs to be simplified—only non-matches and confirmation of matches made need to be returned to the ERO. This simplifies matching considerably.
- As of today we still haven't received data from the MoD.

1. On saying the above I do recognise that this a reason for doing pilots so these issues can be addressed before rolling out.

REGISTRATION COSTS

2. There will inevitably be an increase in resources needed to carry out IER and Council leaders need to realise this. This perhaps needs to come centrally as the voices of electoral administrators can be lost in the needs from other areas of Local Government.

PARTICIPATION FUND

3. We applied twice for monies from the Participation Fund. Perhaps this is because we are a forward thinking Council. We made use of the fund for:

- (i) Providing information in hospitals/supermarkets throughout the district using information boards and leaflet dispensers
- (ii) Working with two other Warwickshire Authorities to advertise new boundaries and entice people to register to vote within these.

4. The two main problems with the fund were that it had to be an innovation that others hadn't done and the monies weren't guaranteed until after the project was completed. This put some people off spending too much or indeed applying because if Ministry of Justice weren't satisfied the council may end bearing the costs.

ELECTION DAY REGISTRATION

5. My Returning Officer has long advocated an electronic register that could be held at each polling station giving the benefit of allowing:

- electors to vote at any station within the district—more convenient for all voters especially those that have mobility problems with some of the less well accessible stations;
- the ERO to add electors on election day with great ease (subject, of course, to agreeing a way forward with regards to objections, checking of indicators etc).

FIRST TIME VOTERS

6. I recently attended a session looking at first time voters and young people registering. One of the items to come out of this and backed up with anecdotal information from our young people seminars is that citizenship lessons get young people engaged by 16, but since they are not allowed to vote until 18 a lot of interest is lost (it is evident especially when we do school council elections compared to talks with college students the depth of engagement).

7. This goes back to the whole engagement thing; if we can catch them young we have a better chance of keeping them interested.

8. In summary there is a great opportunity to do a great deal of good here but it must be remembered that to do it things properly they must be resourced properly and that one size doesn't fit all.

September 2011

Written evidence submitted by Scope

1. Scope very much welcomes this opportunity to contribute to the Committee's inquiry on the Government's plans to introduce individual electoral registration. We would also welcome any further opportunity to give more detailed oral evidence to the Committee about the proposed changes to the electoral registration system.

2. In this briefing, we have focused on the change to individual registration and the implications that this raises for disabled people, however we would be happy to provide evidence to the Committee on additional proposed changes to electoral administration and how these would impact on disabled people.

ABOUT SCOPE

3. Scope is a major disability organisation whose aim is drive the changes that will enable every disabled person to have the same opportunities to fulfil their life ambitions as non-disabled people. We provide a range of services to disabled people transition, residential care, domiciliary care and empowerment in the community. Many of the disabled people we support have complex needs. We believe that all service developments designed to support disabled people should enable them to become increasingly independent and to live their lives within the community of their choice.

SUMMARY OF MAIN POINTS ON THE MOVE TO INDIVIDUAL REGISTRATION

4. Scope believes that the introduction of individual electoral registration has the potential to increase the accessibility of the current system for disabled people. During the last two decades, Scope has been raising greater awareness of the barriers that many disabled people experience in exercising their right to vote. In considering changes to the registration system, we are keen that the Government takes into account ways in which the registration system could be used to facilitate greater accessibility by enabling disabled people to specify their access needs at the point of registration.

5. In addition, we are particularly encouraged by the proposal to modernise the electoral registration system through the introduction of electronic ways of registering. Scope strongly supports the move away from a system that is entirely reliant on the completion of paper forms. This would improve accessibility by helping to overcome some of the barriers that the current paper-based system poses for disabled people, as well as facilitate multi-channel voting in future elections.

MAIN ADVANTAGES OF INTRODUCING INDIVIDUAL REGISTRATION FOR DISABLED PEOPLE

Recording access needs at the point of registration

6. Scope greatly supports the change to a system of individual electoral registration, as this would give electoral administrators an opportunity to provide election information such as polling cards or postal voting packs in accessible formats to disabled voters. This is dependent on a person's preferred format being recorded at the time of registration, for example whether an individual would prefer to receive information in large print, audio tape, Braille or another language.

7. This has the potential to deliver better access to electoral registration and voting for disabled people, as voters with specific information requirements would get all future correspondence in a format they can access meaning they are kept in touch with registration and elections and therefore their ongoing participation is ensured. It would hugely increase the inbuilt accessibility of the current process which is otherwise becoming as accessible as it can get for disabled people.

8. There is ample evidence that local authorities vary considerably in the extent to which they make alternative formats available for disabled voters. Scope is aware that the better performing local authorities have taken steps to ensure that disabled voters who need information in alternative formats receive it in a way that meets their needs. However, even in such cases, Polls Apart research has found that information on how to request an alternative format may not be straightforward for disabled voters to find. As the experience of this voter highlights: "*I had to make a special request to get my polling card in Braille. Information on requesting polling cards in Braille was not easy to find*".⁴ This lack of awareness may present important barriers for many disabled people, whereas ensuring that electoral administrators actively seek information about each voter's access needs as part of the registration process would help overcome these problems.

9. Such information, if collected at the point of registration, has the potential to be used in various ways. It could be used, for example, to ensure that polling card instructions are tailored to an individual's access needs. There has been some level of progress in terms of including access information on polling cards, however our Polls Apart research has found that this information remains primarily limited to access into the polling station: "*The polling card included information that the polling station has wheelchair access, but no other access information*".⁵ Depending on an individual's specified needs when registering, the information on the polling card could be better tailored to those needs.

10. In addition, the registration process could be used to record disabled people's requirements in terms of access to the polling station itself. This would help inform planning for the elections, and allow electoral administrators to provide a better service to disabled voters by ensuring that access needs that are recorded during registration are met at election time.

11. When considering how individual registration could be implemented in practice, there is a need to be aware that the electoral registration form itself can be a barrier to registration. We agree with the Government's proposed approach for the form not to be prescribed by statute. This would allow, in our view, for enough flexibility for the form to be designed in an accessible form, and also ensure that there is sufficient space for both the collection of personal identifiers and access needs.

12. Scope recommends that the Committee should raise the need for the Government to ensure that the way in which the new individual registration system is designed takes into account disabled people's needs at the outset. In particular, there is a strong case for using individual registration to record the individual needs of electors at the point of registration, in order to meet those needs from registration to casting the ballot.

MODERNISING THE ELECTORAL REGISTRATION SYSTEM

13. Scope welcomes the proposal to transform the current system and use diversified methods for registration, including electronic means. Electronic registration could facilitate greater accessibility for disabled voters who would have difficulty in completing the paper-based form without assistance. This would help increase the number of disabled people who can vote unaided and in privacy through a means of voting that is accessible to them.

14. Some disabled people may have difficulties in completing a form themselves. Electronic registration is crucial where assistance from family members is not readily available, such as for disabled people living alone in their homes, or for disabled people for whom the process for returning the registration form poses particular problems: "*I sometimes find it hard to get to a post box let alone a polling station. My son has Asperger's*"

⁴ Respondent at the Polls Apart survey for the 2010 General Elections

⁵ Ibid

syndrome and I would have to leave him with someone that he and I both knew and trusted. I've tried to register online, but you have to download and print the form off to send it by post".⁶

15. This would be of importance given that the new system will require individuals to provide additional personal identifiers as part of the registration process. Electronic registration would provide greater privacy to disabled voters who may find the paper-based system inaccessible so that they do not have to disclose personal data only because of their need for assistance in using the paper forms.

16. We would stress that an issue that needs to be given careful thought is ensuring that all the steps in registering electronically do not pose any access barriers to disabled people. For example, there could be a risk that having an access code to fill in the registration form online may render the whole process inaccessible for particular groups of disabled people if the barriers that could arise at the initial stage of being sent the respective code have not been adequately taken into account.

17. Scope recommends that the Committee recommends the Government ensures that the mechanism for completing the registration form electronically is made as simple as possible and consideration is taken of disabled people's needs when designing the entire process.

REGISTRATION WITHIN A RESIDENTIAL CARE CONTEXT

18. Individual registration is an important step in helping to prevent deliberate non-registration of disabled people. As part of the move to the new system, Scope believes that guidance needs to be issued to managers of residential accommodation for disabled people about all aspects of voter registration and voting, including how they can support residents to register and assist them when completing their forms.

19. The guidance should highlight the need for the decision to register to be of the disabled person themselves, and not by any person acting on their behalf. This should caution against making assumptions which question a disabled person's entitlement to register as a result of perceived lack of mental capacity.

20. Scope recommends that the Committee highlights the need for the Government to ensure mental capacity is assumed under a system of individual registration, particularly within a residential care context. To this end, guidance setting out managers' responsibilities in relation to registration should be issued.

21. Specific issues that we would like addressed in order to make individual registration work for disabled people.

THE PERSONAL IDENTIFIERS REQUIRED AT REGISTRATION

22. Scope agrees with the Government's proposal to introduce personal identifiers when registering as a means of increasing the security of the registration system. However, we believe that careful consideration should be given so that the choice of personal identifiers does not adversely impact on disabled people.

No signature requirement

23. We support the Government's decision not to require voters to sign the registration form. The requirement for postal vote applications to be signed has posed particular challenges for disabled people who may not be able to make a distinctive mark or sign in a consistent manner. While in such cases disabled voters may be granted an exemption, the need for a signature did make the system more inaccessible by creating additional obstacles for disabled people.

24. To ensure that there is consistency across the registration and voting process in terms of the personal identifiers required, we recommend that the Government also removes the signature requirement for postal vote applications and postal ballots. The requirement was introduced to enhance the security of postal votes under the current system of household registration. As there will be greater safeguards to prevent fraud and misuse of postal votes with individual registration in operation, we believe that this then also eliminates the need for a signature within postal voting.

Requirement for the national insurance number and date of birth

25. We have concerns that requirement of a national insurance number would not only increase the complexity of the system, but also that there may be difficulties with this requirement for those disabled voters without a national insurance number. In such cases, there is a need not only to inform people of the need to provide these identifiers under the new system but also of the possibility of providing alternative identifiers. Also, we would stress that local authorities should be required to offer assistance to people on request, including on issues with regard to personal identifiers, and the availability of such assistance should be publicised on the form.

26. Moreover, it is important to recognise that as the collection of identifiers for postal voting has demonstrated, at least in the transition period the collection of identifiers from electors could result in a greater number of registrations being rejected. This could be a result of mismatched date of birth and/or national

⁶ Ibid

insurance number, or because of incomplete information. We believe that it is imperative that electoral registration officers have a mechanism in place to follow up and invite the provision of new identifiers for those electors whose registrations were rejected due to a mismatch of identifiers or incomplete information. This would help minimise the risk that electors, including disabled people, are excluded.

Alternative identifiers and other issues around individual identifiers

27. Scope is keen that there should be a comprehensive list of alternative identifiers. In particular, careful consideration should be given not to disadvantage disabled people living in a residential home, who may not only not have a national insurance number but also have difficulties in producing alternative evidence such as utility bills etc.

28. In order to be in a better position to assess the potential impact of the collection of personal identifiers on disabled people, the Government should seek to publish as soon as possible the draft regulations which will contain much of the detail of how individual registration will work in practice, including the identifiers that will be required.

29. Scope would recommend that the Government ensures that disabled people are made aware of the new requirements, as well as the possibility of providing alternative identifiers. When mismatched information is provided, electoral registration officers should have a responsibility to invite provision of new identifiers by voters.

The proposed transitional carry forward arrangements

30. The proposed transitional arrangements allow carrying forward those voters who fail to register under individual electoral registration. Scope agrees that such arrangements need to be put in place to mitigate against a drop in registration levels in the transition period to the new system. However, we have significant concerns with regard to the Government's proposal in the White Paper that would make registering under the new system a compulsory requirement before granting applications for postal or proxy.

31. We believe that this proposal fails to recognise the potentially far-reaching consequences for disabled people. Postal voting provides an alternative for many disabled people who are not able to get into a polling place due to the inaccessibility of the current system. Scope's Polls Apart research at the 2010 General Election found that 69% of polling stations posed one or more serious access barriers that could prevent a disabled person from being able to vote independently.⁷ If this were implemented, disabled people who may be less informed of the change to the new system of individual registration could be deprived of the only means that is accessible to them to cast their votes.

32. Furthermore, we are concerned about the extent to which disabled voters would be made aware of the requirement to be individually registered to access postal voting in the transition period to the new system. The task of explaining the new system to those eligible to be registered would inevitably involve a range of different important changes. This would pose the risk that any information about the more detailed requirement of having to register individually to access postal voting being drowned out in the context of informing voters of the wider changes that the new system would imply.

33. Scope would recommend that the Committee raises with the Government the need to ensure that the transitional arrangements will not inadvertently disenfranchise many disabled people, by virtue of them being more reliant on postal voting as a way to overcome the current inaccessibility of the system but also potentially less informed of the possibility of losing their postal votes unless they register individually.

Concerns about a drop in registration levels due to individual registration

34. Scope supports the proposal for the coordination in 2013 of a public awareness campaign with the initial "write-out" to electors inviting them to register under the new system. We would suggest that publicity campaigns in accessible formats should be undertaken at a local level to reach a greater number of disabled people.

35. We note that the Cabinet Office has currently commissioned the Electoral Commission to undertake a research study into rates of under-registration among the electorate. Scope would suggest that the Committee recommends that prior to the introduction of new system, the Government should also examine the extent of under-registration among disabled people specifically to be able to accurately monitor the impact of individual registration.

September 2011

⁷ Scope (2010), Polls Apart 2010—Opening elections to disabled people, <http://www.pollsapart.org.uk/docs/Scope-Polls%20Apart%205%20Report.pdf>

Written evidence submitted by the Electoral Reform Society

ABOUT THE ELECTORAL REFORM SOCIETY

1. The Electoral Reform Society was founded in 1884 and has over 100 years of experience and knowledge of democratic processes and institutions.

2. As an independent campaigning organisation working for a better democracy in the UK we believe voters should be at the heart of British politics. We work across the political divide with other national organisations and local campaigners to improve the health of our democracy and to empower and inform voters. As well campaigning for fair votes and other democratic reforms, the Electoral Reform Society also conducts expert research on electoral systems and outcomes.

3. More information about our mission and activities can be found on our website at www.electoral-reform.org.uk

SUMMARY AND RECOMMENDATIONS

4. The integrity of the electoral process and ensuring every qualified voter is able to cast their vote is the cornerstone of a good democracy. We have long argued that the twin problems of the electoral register—under-registration and inaccurate registration—cannot be tackled in isolation. The Electoral Reform Society, therefore, welcomes the intentions of the Government's proposals on Individual Electoral Registration (IER). Although evidence of electoral fraud is quite rare, it is difficult to detect. The system as it currently stands is wide open to fraud as it is based almost entirely on trust. We believe that IER will boost public confidence in the electoral system by increasing the accuracy of the register and reducing the opportunity for fraud.

5. We also welcome the opportunity to address the issue of eligible voters who are not included on the electoral register. The proposals in the White Paper tackle this issue to some extent, for example data-matching schemes to help Electoral Registration Officers (EROs) locate missing voters. However it is vital to be alive to the impact of IER on registration rates. Concerted efforts will need to be made in order to prevent a catastrophic collapse in registered voters in the run up to the 2015 General Election, and ensure that all eligible voters can have their say in future elections.

RECOMMENDATIONS

- Investigate the possibility of empowering the Electoral Commission to act as the regulator for EROs in order to improve performance, ensure best practice is being followed and increase voter registration across the whole country.
- Improve best practice and information sharing between local authorities and EROs.
- The Government reconsider the decision to use a transitional carry-over arrangement instead of a national household canvass in 2014.
- The Government or a suitable authority investigates the feasibility of Election Day Registration to take advantage of voter interest when it is at its highest and the campaign period reaches its peak.
- The Government or a suitable authority investigates the feasibility of making it possible to register to vote in all government offices and Post Offices.
- The reinstatement of an Electoral Participation Fund to assist Electoral Registration Officers with the transition to IER.
- The threat of a fine for not responding to an ERO request information should be retained.

OVERVIEW

6. The switch to IER is predicted to result in a serious fall in the number of registered voters. According to the IER Impact Assessment, the gap in completeness in the electoral register as a result of the transition could be as high as 20% (or seven million voters) which is double the current best estimate of approximately 10%.⁸ This is mainly due to the decision not to hold a household canvass in the year that IER will take effect (2014). Instead, all the voters that already have an entry on the register will be invited to register individually, but those who fail to do so will be carried over for one year. As the quality of electoral registers degrades by about 10% over the course of the year (mainly due to population movement) the register will contain many inaccuracies. Combined with the aforementioned 10% estimated gap in the completeness, this means that approximately 20% of eligible voters may not be invited to register individually and could thus be missing from the list in 2014.⁹

⁸ *Individual Electoral Registration Impact Assessment* (June 2011) <http://www.official-documents.gov.uk/document/cm81/8109/8109.pdf>

⁹ *Ibid.*,

7. This figure is devastating in itself, but it does not factor in new electors or anyone wishing to cast a postal or proxy vote in 2015. These voters must register individually under the new system. As registering will involve supplying personal information which some electors may be reluctant to provide, and it will be an entirely personal choice whether or not to register, it is reasonable to expect that the gap could be a lot wider than predicted.

8. IER will require greater effort on the part of voters to get on the list. Supplying additional personal information, such as National Insurance numbers, raises the “costs” of voting in terms of both time and effort, which is known to depress registration levels.¹⁰ Those who are already unenthusiastic about voting will be even less likely to bother registering. When Northern Ireland moved over to IER in 2002, the number of registered voters immediately fell by 10%.¹¹ Although the Electoral Commission puts this down to a reduction in fraudulent and duplicate entries,¹² the fact remains that in 2005 the Northern Ireland authorities were forced to reinstate tens of thousands of electors onto the list who had failed to complete the forms or provide the correct personal information to arrest a significant decline in registration.¹³

9. Low registration levels are closely associated with low turnout. Low turnout is an issue of deep concern to the Electoral Reform Society because of the damaging effect on legitimacy and accountability, and is a sign of a “sick democracy”.¹⁴ Furthermore, there is considerable evidence to show that both voter registration and voter turnout in Britain are unevenly distributed, reflecting the political alienation of certain black and minority ethnic groups (although not others) and young people in particular, who are often identified as having lower levels of participation in the formal democratic process.¹⁵ Official turnout statistics (based on the registered electorate) hide the true extent of this political dissonance in society. People who aren’t registered to vote miss out on opportunities to influence political decisions that affect their lives at both national and local level. Their voices are not heard and their opinions and needs are not addressed.

10. The White Paper includes some proposals to help assuage the expected decline in registration following the introduction of IER, for example data-matching schemes and opening up alternative online channels of registration. For the most part, ERS welcomes these proposals; however we do not believe that these measures alone can prevent a potentially catastrophic fall in voter registration during the transition period and beyond.

11. We acknowledge that the transition to IER is taking place in climate of budget cuts. For this reason we have endeavoured to make a range of recommendations including some which we think could have a significant impact for relatively low expenditure.

FUNDING

12. The coalition Government has made clear that deficit reduction is its most urgent priority. The local government support grant thus falls by 12% in 2011–12. According to the Local Government Association this will equate to a funding gap of £6.5 billion in this financial year alone.¹⁶

13. EROs have a statutory duty to compile and maintain accurate and complete electoral registers, and local authorities are required to provide sufficient funds and resources to ensure they do so. However, funding of electoral registration and the costs of elections to local councils is not ring-fenced and there is no dedicated budget. The Government has announced it has no plans to penalise authorities which fail to provide sufficient funding and recurses to enable EROs to fulfil their duties.¹⁷ The Government has also made clear its view that local government should be more flexible in its decisions to prioritise resources to protect essential frontline services.¹⁸ We are concerned that budget cuts will have a negative impact on electoral services at precisely the time when EROs will be expected to do more.

14. The Government has emphasised participation and accountability in its constitutional reform agenda. The Localism Bill for example states: “local voters [...] need more opportunities in which to make their voices heard.”¹⁹ Hence the Bill contains a package of reforms which include local referendums and elected mayors.²⁰ Reductions in electoral services provision will deny many voters the opportunity to make their voices heard,

¹⁰ Wolfinger, R E & Rosenstone, S J (1980). *Who votes?* New Haven: Yale University Press

¹¹ The Electoral Commission. Northern Ireland Desk Research—Final Report (2003) http://www.electoralcommission.org.uk/_data/assets/electoral_commission_pdf_file/0010/16120/PWCFinalFinal_11397-8960_E_N_S_W_.pdf

¹² The Electoral Commission. *Northern Ireland Desk Research—Final Report* (2003)

¹³ See, <http://www.parliament.uk/documents/commons/lib/research/rp2005/rp05-015.pdf>

¹⁴ L Baston & K Ritchie. *Turning out or Turning off: An analysis of political disengagement and what can be done about it.* (2004) <http://www.electoral-reform.org.uk/images/dynamicImages/file4de9706c9bf74.pdf>

¹⁵ The Electoral Commission *Understanding electoral registration: the extent and nature of non-registration in Britain.* (2005) http://www.electoralcommission.org.uk/_data/assets/pdf_file/0020/47252/Undreg-FINAL_18366-13545_E_N_S_W_.pdf

¹⁶ *Local Government Finance Report 2011–12 9 February 2011* <http://www.lga.gov.uk/lga/aio/16720540>

¹⁷ HC Written Answers. 6 September 2010, c304W

¹⁸ HC Written Answers. 8 Jun 2010, c121W

¹⁹ *Decentralisation and the Localism Bill: an essential guide*, <http://www.communities.gov.uk/documents/localgovernment/pdf/1793908.pdf>

²⁰ *Ibid.*,

and the disconnect between voters and politicians—exemplified by declining turnout—can only get worse as a result. We believe the Government cannot afford not to invest properly in electoral registration and that it should be seen as an essential component in their broader agenda to deliver power to people...

“This Government will transform the state. Reversing generations of centralisation. Putting power into people’s hands. Because the job of government is not to run people’s lives. It is to help people to run their own.”

Nick Clegg, Liverpool, 20 September 2010

15. The IER Impact Assessment lays out the estimated cost of data matching schemes.²¹ These schemes would allow EROs to access public databases for the purpose of identifying unregistered voters and checking entries for accuracy. If the pilots are deemed to be successful it will be rolled out more widely and may go some way to ensuring more complete and accurate electoral registers. However, it will be down to local authorities to decide whether to use data-matching schemes and the additional costs will ultimately be borne by local authorities. This coincides with the Government’s austerity package and cutbacks in the local government support grant.

16. In attempting to explain why registration levels have fallen from previous levels in the 1990s, the Electoral Commission states that money saving measures such as stopping door-to-door canvassing and reducing overall amount spent on the annual canvass may be a contributory factor²² (personal canvassing is known to raise response rates.)²³ This is largely attributed to the availability of postal voting on demand since 2000, which has placed an increasing burden on EROs with little or no extra resources. Reducing expenditure on the annual canvass allowed them to free up resources for managing postal voting, but this has come at a cost in the number of registered voters through reduced levels of canvassing.²⁴ One local authority report from this period justifying the move to an all postal canvass noted that stopping the use of personal canvassers would result in cost-savings of around £15,000 but would see a “potential drop in response of 5–8%”.²⁵

17. According to the Electoral Commission’s assessment of performance standards, eight EROs did not meet the standard for house-to-house canvassing in 2010, and three of these have not met the standard for three years in a row.²⁶ The Commission reports that in discussions, some EROs took the view that house-to-house canvassing was not always feasible due to financial constraints, especially in rural and densely populated areas. Another reason identified for not carrying out a check on all properties was the cost or difficulty of recruiting and retaining canvassers.²⁷

18. We agree with the Electoral Commission’s view that EROs must provide appropriate resources to support a personal visit even in challenging urban/rural situations. However, we would add that EROs must have adequate resources available to them in order to process increasing numbers of postal votes and for canvassing door-to-door.

19. In order to encourage participation and assist EROs to fulfil their duties, the Ministry of Justice made available a £2.5 million Electoral Participation Fund in the financial years 2007–08 to 2009–10. The fund was under-used and under-publicised: only 73 local authorities applied for grants in 2009–10 totalling £427,000.²⁸ Out of the 34 EROs identified by the Electoral Commission as having consistently performed below standard,²⁹ only four made applications to the fund in 2009–10. The fund was terminated in the emergency Budget of 22 June 2010.

20. It is estimated that approximately 20% of the eligible electorate (seven million voters) will be missing from the register when the switch to IER is made. In order to meet this challenge and ensure that every eligible voter is able to do so in the 2015 General Election, we ask that the Government reinstate the participation fund. This should be widely publicised and EROs should be encouraged to make use of the fund.

THREAT OF FINES

21. It is currently an offence for electors not to respond to an ERO request for information or to give false information. Any person that refuses to supply information is liable to a maximum fine of £1,000. Under the White Paper proposals these fines will be abolished. It asserts that no compulsion should be placed on an individual to register.

²¹ Electoral Commission, *Individual Electoral Registration Impact Assessment* (June 2011) <http://www.official-documents.gov.uk/document/cm81/8109/8109.pdf> p.4

²² Electoral Commission. (March 2010) *The completeness and accuracy of electoral registers in Great Britain* http://www.electoralcommission.org.uk/_data/assets/pdf_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf p.42

²³ Devore, D. *Compiling the Electoral register 1996* (1996) London: HMSO.

²⁴ Electoral Commission. (March 2010) pp.42–43

²⁵ *Ibid.*,

²⁶ Electoral Commission (April 2011) *Report on performance standards for Electoral Registration Officers in Great Britain Third analysis of performance* http://www.electoralcommission.org.uk/_data/assets/pdf_file/0020/116444/ERO-Performance-Report-Final.pdf

²⁷ *Ibid.*,

²⁸ *Electoral Participation Fund Breakdown by Local Authority*, www.parliament.uk/deposits/depositedpapers/2011/DEP2011-0983.xls

²⁹ Electoral Commission (April 2011)

22. The consequences of moving from a de facto compulsory system of registration to a purely voluntary system as proposed in the White Paper have not been fully explored. Under a completely voluntary system, electors who are reluctant to provide their personal identifier information are unlikely to bother registering. The experience of Northern Ireland is telling when in 2005 approximately 70,000 electors were reinstated onto the electoral register (without personal identifiers) ahead of the General Election and a further 90,000 in December 2005 as an emergency measure in response to a collapse in registration following the adoption of IER.³⁰

23. Recent research on the effectiveness of fines for boosting registration rates is not forthcoming, and indeed prosecutions are exceptionally rare. However, the threat of a fine is bound to mean that some electors will respond to an ERO request for information. We believe it is worth maintaining the threat of fines. Removing this one compulsory element in the registration process could have serious repercussions that have so far not been adequately addressed.

ERO PERFORMANCE

24. Section 9A of the Representation of the People Act 1983, as inserted by section 9 of the Electoral Administration Act 2006 places a statutory responsibility on EROs to maintain complete and accurate voter lists, including making house-to-house enquiries, to ensure that the residents present are correctly included on the register.

25. Since 2009, the Electoral Commission have measured the performance of EROs against a series of standards.³¹In 2010, ten EROs did not meet their obligations on ensuring the completeness and accuracy of electoral registration records.³²EROs who do fail to take sufficient measures to register electors can be convicted of an offence under section 63 of the Representation of the People Act 1983. To date, no ERO or electoral official has been fined for failure to discharge their section 9A duty.³³

26. The Electoral Commission can only make recommendations to improve performance and offer guidance on electoral registration practice. It has no power of sanction and cannot make EROs (or Returning Officers) follow their recommendations or comply with any of their guidance. We would, therefore, like to see the Electoral Commission take on the role of an independent regulator, similar to that of OFSTED, with stronger powers to raise standards and the ability to sanction under-performing EROs who continually fail in their statutory duties.

- We would also like to see improved best practice sharing between local authorities and EROs. For example, a UK wide conference for heads of democratic services.

TRANSITIONAL CARRY-OVER ARRANGEMENT

27. The IER Impact Assessment explains the Government's preferred implementation method of IER in 2014. All registered electors as of 1 July 2014 will be contacted and invited to register individually. This will be voluntary and if electors fail to do so their names will be carried forward for one year. IER will only be compulsory for new or late registrations. There will be no household canvass in 2014, but this will be retained from 2015 onwards when IER will become compulsory.

28. An alternative option of holding a household canvass in 2014 and based on the response invite electors to register individually was discounted. The reasons given can be summarised as follows: it might be confusing for voters to have a two-stage process; it might delay the completion of the 2014 register which might pose a risk to the General Election campaign in 2015; a household canvass goes against the principle of individuals taking responsibility for their own registration; and it would cost more money.³⁴Therefore, a transitional carry-over arrangement would be put into place instead.

29. We would argue that the estimated 20% gap in completeness of the register poses a risk to the 2015 General Election. A household canvass in 2014 would close the gap by approximately 10%, and ensure that the electoral register would be as accurate and up-to-date as possible for the individual write-out. We would also point out that the problems of a two-stage process, as highlighted in the impact assessment, will be true for the following year(s) as it will be retained from 2015 onwards.

30. Cost appears to be the principal consideration for the decision not to hold a household canvass in the transition year (an estimated £85.5 million net compared to £37.9 million net for an individual write-out alone). This is a significant difference, however, we would caution against striving to make savings in this critical year. We believe that a household canvass combined with a voluntary individual write-out in 2014 would be more effective than the proposed transitional carry-over arrangement in ensuring that as many electors as possible will be able to vote in the 2015 General Election.

³⁰ The Electoral Commission. *Electoral Registration in Northern Ireland: Accuracy and Comprehensiveness Research Report* (2008) http://www.electoralcommission.org.uk/_data/assets/pdf_file/0009/64872/Accuracy-and-Comprehensiveness.pdf

³¹ Electoral Commission. *Performance standards for Electoral Registration Officers in Great Britain First analysis of Electoral Registration Officers' performance April 2009* http://www.electoralcommission.org.uk/_data/assets/pdf_file/0011/74099/ERO-REPORT-FINAL.pdf

³² Electoral Commission (June 2011) p.14

³³ HC Written Answers. 6 September 2010, c298W

³⁴ *Individual Electoral Registration Impact Assessment* (June 2011)

31. It remains the case that under our winner-takes-all system, where the majority of constituency seats are rendered safe for one party or another, the power to affect the outcome rests with the minority of swing voters in marginal seats. With the loss of an additional 20% of electors through non-registration, the accumulative effect is to create a democratic wasteland where the ability to influence the important decisions that affect our lives will be concentrated in even fewer hands. Public policy will be skewed in order to win over the small pockets of voters whose votes actually count, while the views and opinions of everyone else will be ignored. This is highly damaging to our political system and we do not believe it is cost-effective to make temporary money saving measures in electoral registration.

ELECTION DAY REGISTRATION

32. In Britain, the deadline for registering to vote is currently 11 days before Election Day under the rolling registration method, (the White Paper does not mention whether this will be the case under IER). The final weeks and days of the election campaign period is always the most intense and interesting, so un-registered voters who may have their interest peaked during this time, or have a pang of civic duty will have lost their chance to vote.

33. Election Day Registration (EDR), or same day registration, is an innovation that is increasingly being used in the United States in response to some of the lowest registration levels in the democratic world. Currently, nine US states (including the District of Columbia) now have some form of same day voting.³⁵ As the name suggests, EDR would allow voters to turn up at the polling station, register and vote all in one go. There is now a considerable body of evidence to show that EDR increases registration and turnout rates significantly. A fairly typical summary of the literature reveals that a 2–6% increase in registration can be expected as a result of EDR.³⁶ In addition, demographic groups with lower registration rates see the largest gains, especially among those who have recently moved address.³⁷ Dmos is one of the biggest proponents of EDR in the US. They point out that on average the states with EDR found their turnout rates were 10–12% higher compared to those which did not.³⁸

34. The theory behind EDR is that it reduces the time, energy and informational costs of voting. This idea is derived from the “Down’s equation” which contends that rational citizens only vote if the benefit of doing so outweighs the cost.³⁹ Wolfinger & Rosenston develop this further and assert that: “registration raises the costs of voting. Citizens must first perform a separate task that lacks the immediate gratification characterising other forms of political expression (such as voting)”.⁴⁰ Therefore, the more permissive the registration laws the fewer barriers there are to casting one’s vote. Individual Electoral Registration will certainly increase the costs in voting. However, the ability to register and vote on the same day will go some way to assuaging it.

35. There are of course, downsides. Concerns over fraud are a big factor in the debate on EDR in the States, although there is little in the way of documented proof.⁴¹ With IER identifiers and proofs of identity this should not be a major issue and is far more secure than the current system. It would also complicate Election Day administration and potentially overwhelm polling station staff without adequate preparation. Staff would have to serve two tasks—registering voters and assisting them as they cast their vote. In the US, some polling stations have “greeters” who help direct voters to a table where they can register or where they can vote. Staff would also need to know where to send voters who turn up to the wrong polling station. There would certainly be other issues to consider, such as whether to provide for provisional ballots to ensure that voters who are unable to prove their eligibility or identity on the day are still able to vote. However, given the success of same-day registration in the US, we strongly recommend that the government gives EDR serious consideration.

REGISTRATION AT GOVERNMENT OFFICES

36. The proposals enabled by the draft legislation makes it possible to integrate electoral registration into other day-to-day transactions with the Government. This is common in the United States. US citizens can register in many places: at their county or government registration office; at their motor vehicle agency; at universities; schools and hospitals. The National Voter Registration Act 1993, or “motor voter” law requires states to provide citizens with the opportunity to register or re-register at public agencies when they apply for a driver’s licence or social security benefits. In some ways the law has been very successful: about 40% of US voters register at the Department of Motor Vehicles alone. However, this is not a particularly good measure because it is impossible to know how many of these citizens would have registered in any case.

³⁵ Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin, Wyoming and Washington DC

³⁶ See, Alvarez, R M & Nagler, J (2011). Election Day Voter Registration in California *Demos Policy Brief*. Spring 2011. http://www.demos.org/pubs/CA_EDR_Report-Demos.pdf; Alvarez, R. M., Ansolabehere, S. & Wilson, C. H. (2002) *Election Day voter registration in the United States: How one-step voting can change the composition of the American Electorate*. http://minnesotaindependent.com/wp-content/uploads/2009/10/vtp_wp5.pdf; Brians, C L & Grofman, B (2001). Election Day registration’s effects on US Voter turnout. *Social Science Quarterly*, Vol 82:1, 170–181; Fenster, M J (1994). The impact of allowing day of registration voting on turnout in US elections from 1960 to 1992. *American Politics Quarterly* Vol 74 22(1)

³⁷ Caltech/MIT Voting Technology Project. *Election Day Voter Registration in the United States* (June 2002) http://minnesotaindependent.com/wp-content/uploads/2009/10/vtp_wp5.pdf

³⁸ Dmos (2009) *Voters Win with Election Day Registration* (Summer 2009) http://www.demos.org/pubs/voterswin_09.pdf

³⁹ Downs, A (1957). *An economic theory of democracy*. New York: Harper & Row

⁴⁰ Wolfinger, R E & Rosenstone, S J (1980).

⁴¹ U.S. Election Assistance Commission. (2006). *Status report to the voter fraud-voter intimidation research project*. <http://www.usatoday.com/news/pdf/2006-10-11-electionreport.pdf>

37. Recent studies are not forthcoming, although estimates of the potential effects of the Act suggest a 4% increase in turnout over a span of five elections.⁴² Highton & Wolfinger conclude that non-political young people in their mid-20s (who are highly mobile and most have driver's licences in the US) are very susceptible to the Act and therefore stand to benefit most.⁴³ Other writers point out that the law has had little clear impact on overall levels of registration and turnout, and note that registration fell after the law was passed and implemented.⁴⁴

38. We believe that there should be as many opportunities to register as possible. Registration forms should be available at all government offices and Post Offices, and electors should be reminded to register to vote in every official transaction—when applying for a passport, drivers licence, social security, registering for council tax, or whatever the transaction might be.

CONSTITUENCY BOUNDARIES

39. In the UK, we use the registered electorate as a base for measuring constituency size. This is not an unusual approach for drawing parliamentary seats, and compares well internationally.⁴⁵ However, it does rely on electoral registers being as complete and accurate as possible. With the coalition Government committed to redrawing constituency boundaries to reduce their number and equalise their size⁴⁶ the introduction of IER could have wide reaching effects on how we are represented.

40. The main administrative factor is that some people who are qualified to vote—for example those who have lived in a whole house for several of years—are easy to get on the register. Other voters, such as young and mobile people, certain ethnic minority groups, private sector tenants, those who live in subdivided accommodation, or people disadvantaged by language and literacy are very difficult to get on the register. The Electoral Commission has identified large-scale under-registration in urban and deprived areas, for example it found that the registration rate in Glasgow City was just 75.7% in 2008.⁴⁷ This suggests that some seats are actually under-represented under the current arrangements. IER will result in much more volatile electoral registers than at present, and it will be on this data that future districting will be based.

- We raise this point to highlight how a potential collapse in registration will affect other aspects of the Government's constitutional reform agenda, and the importance of ensuring that everything possible is done to ensure the completeness and accuracy of the register.

CONCLUSION

41. The Electoral Reform Society welcomes the opportunity to input into proposed changes to the electoral registration law, and would be happy to give oral evidence or provide further written materials to the Political and Constitutional Reform Committee. We are keen to assist in any way we can to ensure that the transition to IER will be a success.

September 2011

Written evidence submitted by the Association of Electoral Administrators

INTRODUCTION

1. The Association of Electoral Administrators (AEA) was founded in 1987 and has since established itself as a professional body to represent the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has 1,685 members, the majority of whom are employed by local authorities to provide electoral registration and election services.

2. The AEA encourages and provides education and training in electoral administration, in addition to a range of commercial and professional services.

3. The key aims of the AEA are to:

- (a) contribute positively to electoral reform within the UK;
- (b) foster the advancement of consistent and efficient administration of electoral registration and the conduct of elections in the UK;
- (c) raise the profile of electoral administration both within the UK and internationally; and
- (d) enhance and maintain the AEA's reputation as the leading professional body for electoral administrators within the UK.

⁴² Knack, S (1995). Does "motor voter" work? Evidence from state-level data. *Journal of Politics*, 57, 796–811

⁴³ Highton, B & Wolfinger, R E (1998). Estimating the effects of the National Voter Registration Act of 1993. *Political Behaviour*, Vol. 20, No.2, 79–104

⁴⁴ Alvarez, R M, Ansolabehere, S & Wilson, C H (2002).

⁴⁵ See, <http://aceproject.org/ace-en/topics/bd/bdb/onePage>

⁴⁶ Parliamentary Voting System and Constituencies Act 2011(c.1) London: HMSO.

⁴⁷ Electoral Commission (March 2010) p.59

4. The AEA firmly supports and advocates the principle set out by Gould⁴⁸ that in implementing changes to the electoral system the voter's interests should be considered above all other considerations.

5. In this paper we respond to the invitation by the Political and Constitutional Reform Committee (the Committee) to comment on the UK Government's proposals for the implementation of individual electoral registration as published in the White Paper and draft Bill on 30 June 2011, and on the additional draft provisions for changes to electoral administration published in a Command Paper on 13 July 2011. Finally, we offer our views on the further possible changes to electoral administration identified by the UK Government.

KEY PRINCIPLES

6. In this paper we set out the principles and key components that we believe are essential for the successful delivery of individual electoral registration. These can be summarised as follows:

- A holistic approach to reforming the electoral system;
- Timely and comprehensible legislation;
- Clarity about the purpose of electoral registration, the uses of the electoral register and electoral registration data, and wider issues of data security;
- Clear and agreed outcomes and success measures;
- Sufficient and appropriate powers for Electoral Registration Officers;
- Well-designed and effective business processes and infrastructure;
- Timely delivery of the relevant forms (both paper and electronic) in accessible formats;
- Sufficient funding and resources for electoral services to deliver the changes and the identified outcomes;
- Timely and appropriate guidance and training to support electoral administrators in delivering the new processes and procedures;
- Effective public awareness work to support eligible electors in engaging with the new registration system.

OVERARCHING ISSUES

7. In September 2010, the AEA welcomed the announcement by the Government of its commitment to the introduction of individual electoral registration in Great Britain. We were also pleased to note the speeding up of the timetable for its implementation.

8. We also welcomed the inclusion in the Statement by Mark Harper (on 16 September 2010) of the UK Government's intention to undertake data matching pilots to assist the transition and to test what other data might be useful to Electoral Registration Officers in creating and maintaining registers within this new system. These pilot schemes are currently ongoing with a number of electoral administrators in local authorities across Great Britain committing a significant amount of time, effort and expertise in order to ensure that they successfully deliver the learning needed to inform decisions on the future use of such data. We look forward to the evaluation of the pilot activity.

9. The AEA has long argued for the introduction of individual electoral registration in order to secure the electoral system in Great Britain. Electoral registration is the access point to the electoral system and is the foundation on which the system stands. Confidence and trust in an electoral system is a vital part of the democratic process and we believe that the work to reform electoral registration is an important step towards restoring confidence and ensuring the integrity of the electoral system as a whole.

10. The AEA is committed to working with the UK Government, the Electoral Commission and other interested parties in making individual registration a reality for electors in Great Britain. Our members clearly have a wealth of experience in administering electoral registration and we will be keen to ensure that this expertise is used to the full in designing and implementing the new system, including making it easily accessible to and understood by the general public.

11. The primary aim of any electoral registration system is that it should create a register that is as comprehensive and as accurate as possible. Ultimately, it should underpin the principle that all those entitled to vote at elections have the opportunity to do so. The AEA believes that the proposals contained in the UK Government's White Paper represent a positive step towards achieving those aims. We welcome the opportunity to provide evidence to the Committee, and the opportunity to separately provide comments to the UK Government on its proposals as contained in the White Paper and draft Bill.

12. We do not offer in this paper detailed technical comments on the draft clauses published with the White Paper.

13. Whilst we welcome the UK Government's intention to introduce individual electoral registration in 2014, we will be monitoring very carefully the progress in terms of the delivery of the necessary legislation and consequential infrastructure to enable the implementation of this significant change. Whilst there is still time

⁴⁸ *Independent Review of Scottish Parliamentary and Local Government Elections*, Ron Gould, 2007.

to ensure that this is delivered effectively, there is a significant amount of work to be achieved within that challenging timescale.

A HOLISTIC APPROACH TO REFORMING THE ELECTORAL SYSTEM

14. Electoral registration is the foundation for the electoral system as a whole. Changing the system for registering to vote therefore also has significant implications for other electoral processes, including notably the election timetable and postal voting, and the use of absent voting identifiers.

15. In implementing individual electoral registration, therefore, it is vital that the wider impact on the electoral process is fully considered and that any impacts and issues are addressed.

16. The AEA continues to believe⁴⁹ the UK Government should undertake a thorough and systemic review of the electoral process in the UK that integrates with the development and implementation of the new individual electoral registration system.

LEGISLATION

17. We welcome the opportunity for scrutiny of the draft clauses for the proposed Bill. We are keen to see at as early a stage as possible the draft regulations which will contain much of the detail of how individual electoral registration will work in practice. If these are not available at the same time as the Bill is published in the UK Parliament, we would expect to see a detailed policy statement as to what the UK Government intends to include in the proposed regulations.

18. It may seem that this is remarkably early for the detailed regulations to be available. However, it is our view that, given the scale of the work to be undertaken to deliver the necessary infrastructure including the IT, business processes, data protocols, guidance, and form design, it is essential that the draft secondary legislation is available for scrutiny whilst the Bill is still in the UK Parliament. This would enable any necessary amendments to the Bill to be brought forward if any issues requiring primary legislation are identified as a result of that scrutiny. Further, it is vital to bring into effect in sufficient time any provisions (whether in primary or secondary legislation) necessary to enable work to commence on developing and testing that infrastructure. We are pleased to note that consideration is being given to this issue by Cabinet Office officials. However, we will be monitoring timescales particularly closely for all of the reasons given above.

19. Electoral registration legislation is already extremely complex and in some cases contains anomalies such as is the case in respect of elections held during the annual canvass period. We hope that the opportunity is taken in introducing this major change to the registration system to simplify where possible and to address any anomalies. For example, the current arrangements for calculating the dates for the rolling registration process are unnecessarily complicated and would benefit from simplification.

THE ELECTORAL REGISTER AND DATA ISSUES

20. As a matter of principle, the AEA believes that the electoral register should only be used for electoral purposes except for purposes relating to national security. It is therefore the AEA's view that the edited register should be abolished. In our response to the previous UK Government's consultation on the edited register⁵⁰ we stated that:

“... the questions posed in this consultation paper need to be seen in the overall context of the likely effect of changing from a system of household registration to individual registration. Anything that jeopardises the smooth and effective transition from one system to another needs to be removed. The use of electoral registration data for other than election purposes is one of those obstacles.”

21. It will be essential that efforts are made to better understand the nature and extent of the public's views of the use of electoral data for commercial purposes as part of the implementation of individual electoral registration. This should include addressing issues about the security and use of personal data.

22. Whilst the AEA remains of the view that the edited register should be abolished, we recognise that the UK Government may be minded to retain it. Therefore, as a minimum the legislation should be changed to provide an “opt in” to inclusion on that register rather than an “opt out” from automatic inclusion as is currently the case. In addition, plain language explanations as to the data protection implications of the choice being presented to electors should be included on all registration forms and materials (including any on-line application arrangements).

23. If any electoral data continues to be sold to commercial organisations, the scale of fees for the purchase of this data (whether full or edited register data) should be reviewed to more accurately reflect the cost of producing the electoral register. This is particularly relevant given the current financial situation facing public services. There should be a requirement for this income to be reinvested in the delivery of electoral registration services locally.

⁴⁹ This was the central recommendation of our 2010 report: http://www.aea-elections.co.uk/downloads/reports/aea_election_report_final_PUBLICATION.pdf

⁵⁰ http://www.aea-elections.co.uk/downloads/aea_response_edited_register_180210.pdf

24. Central to the proposed system of individual electoral registration is the capture and verification of individual identifying information—specifically, the Date of Birth (DoB) and the National Insurance Number (NINo) (or alternative identification if an individual is unable or unwilling to provide this information). Quite rightly, this information will not appear on the electoral register but will be collected to enable a verification process to take place.

25. The White Paper specifically invites views on the retention period for this personal data, seeking to balance privacy and security with maintaining the quality and accuracy of the electoral register. It is proposed that the DoB is to be retained for further comparison (potentially for removing duplicate entries and/or data matching) but that the NINo is to be deleted at the end of the verification process.

26. Technically, what this will actually mean is that the paper form on which the application was submitted will have to be securely destroyed, as will the NINo data held electronically (either as a scanned image or as data otherwise captured electronically). This has implications for the design of the electoral registration software, and the forms (whether paper or electronic) on which the data is captured. These need to be carefully considered, designed and tested (see below for comments on form design).

27. There may be circumstances in which entries on the electoral register (which therefore having completed the verification process) are subject to a police investigation. These may or may not be directly linked to electoral fraud. Therefore, we believe, any considerations of retention and deletion of the NINo should take account of the views of relevant Police and Prosecution organisations.

28. However, whatever retention and deletion regime is established it should be clearly set out in regulations, and appropriate guidance and training provided to support Electoral Registration Officers in delivering their responsibilities in relation to the secure handling of personal data.

OUTCOMES AND SUCCESS MEASURES

29. There are clear and accepted definitions of accuracy and completeness in relation to the electoral register. However, it is essential that in bringing forward this new individual system of electoral registration there is a clear and accepted statement of the desired outcomes, so that success can be measured and evaluated. These should put the elector first, be achievable, and be supported by a research strategy to ensure that robust and accepted data underpins the success measures and evaluation. For this reason, we have set out in paragraph 6 above the key principles and components we believe are essential for the successful delivery of individual electoral registration.

30. The White Paper contains a number of stated ambitions which we see as focusing on two key areas:

31. Restoring or increasing voters' confidence in the system by reducing fraud; and

32. Making the registration system more accessible, particularly to under-represented groups and to those with special requirements, including disabled people.

33. The AEA supports these aims, but we recognise that they will not be easy to balance. They are ambitious and they need to be defined in real terms for eligible electors engaging with the new system, for others with an interest in the outputs of the system (eg political parties, candidates and agents, elected representatives, the police, and other users of electoral register data), and for electoral administrators and suppliers in delivering the system.

34. In particular, Electoral Registration Officers and electoral administrators will need to know clearly what is being required of them, what support is available to help them achieve the desired outcomes, and how these will be measured.

RELEVANT POWERS FOR ELECTORAL REGISTRATION OFFICERS

35. It will be necessary to be clear about the extent and locus of powers and responsibilities under the new system. The White Paper clearly sets out that under an individual system of electoral registration individuals will have greater responsibility for their own registration including the choice not to engage with the process and not to register.

36. Currently, it is not compulsory to register to vote. However, it is an offence not to respond to a requisition for information by the Electoral Registration Officer. We note that this provision is to be retained for the household canvass, and that this will not apply to invitations to individuals to register. Further, we note the provision for an individual to ask not to be canvassed again during a specified period. This latter provision will need working through carefully so as not to inadvertently disenfranchise other potentially eligible electors who live at the same address.

37. In this context, it will be essential for Electoral Registration Officers to have the necessary powers to access appropriate data held by public bodies. The learning from the data matching pilots will be crucial in establishing what data may be of assistance in identifying potential eligible electors to be invited to register, as well as those who are ineligible and should not be on the register. In setting any standards and measures, it will also be important to recognise that an individual may choose not to respond to the invitation to register and/or change their decision at a later point.

EFFECTIVE BUSINESS PROCESSES AND INFRASTRUCTURE

38. It will be necessary to ensure that there are clear and workable business processes that have been developed with input from electoral administrators, in addition to other interested and expert individuals and groups e.g. on accessibility and data protection.

39. We are encouraged by the level of engagement by Cabinet Office officials with electoral administrators to date and as part of the consultation period for the White Paper and draft Bill. We look forward to a continuation of this engagement.

40. Although much progress has been made, there is still a significant amount of detail to be worked through and we believe it is essential that there is clarity about the process and timescales for resolving outstanding issues.

TIMELY AND ACCESSIBLE FORMS

41. The AEA has argued for well-designed and accessible electoral forms and materials⁵¹ to be developed and tested with input from electoral administrators, software and print suppliers, in addition to relevant accessibility experts and representative organisations.

42. Sufficient time should be allowed for this work to be properly completed so that the forms can be delivered in a timely manner. This is particularly vital given the potentially complex specification and requirements for the forms (in both paper and electronic formats) in terms of data capture and administrative use as indicated in paragraph 26 above.

43. At the same time the role of these forms as a key communication tool should not be underestimated. They must work for the elector and be clear and straightforward to complete.

FUNDING AND RESOURCES

44. The move to individual electoral registration represents a transformation in the administration of electoral registration and, as such, should be sufficiently resourced and funded. It is our view that the successful implementation of the new system will depend on the relevant funding going directly to electoral services. Any funding needs to continue post 2015 and should not simply be seen as one-off capital funding.

GUIDANCE AND TRAINING

45. Throughout this paper we have made reference to the need for guidance and training to support the effective implementation of new processes, compliance with new requirements, particularly in respect of data management, and the development or updating (where necessary) of skills and knowledge.

46. The guidance on all aspects of the new system should be clear and accessible. If elements of the guidance are produced by different agencies to take account of specific expertise, this should be coordinated so that there is no confusion or duplication in what is delivered to electoral administrators. All guidance should be in place well in advance of the introduction of the new system so that electoral administrators can assimilate it and adapt their processes and practice accordingly.

PUBLIC INFORMATION

47. Public information will play a vital role in supporting the introduction of individual electoral registration. Electoral administrators are keen to ensure that as many eligible electors as possible are included on the electoral register (if they choose to be included), particularly those individuals from specific groups where there is evidence that they are currently less likely to be registered.

48. Electoral Registration Officers currently have a duty to promote participation, and many draw on the campaigns and materials currently provided by the Electoral Commission. We support the proposal for the coordination in 2014 of a public awareness campaign with the initial “write out” to individuals inviting them to register under the new system. The national campaign will need to be supported with materials for local use.

49. In particular, it will be important to have clear and consistent messages and explanations for electoral administrators to use when explaining the new system and in responding to enquiries.

ADDITIONAL PROPOSED CHANGES TO ELECTORAL ADMINISTRATION

50. The UK Government has published further proposals to reform the law on three specific aspects of electoral administration, and the Committee has invited comments on these proposals. These are:

- The extension of the electoral timetable for UK Parliamentary elections, and the modification of a number of the deadlines within the timetable;
- The timing of polling district and place reviews;

⁵¹ In both our 2010 and 2011 post-election reports: http://www.aea-elections.co.uk/downloads/reports/aea_election_report_final_PUBLICATION.pdf and http://www.aea-elections.co.uk/downloads/reports/aea_election_referendum_report_2011.pdf

- The correction of an anomaly in the legislation to enable candidates standing jointly for two or more registered political parties to use an emblem on the ballot paper.

51. The AEA welcomes the proposal to extend the statutory timetable for UK Parliamentary elections. In our 2010 report, we highlighted the difficulties for administrators, candidates and agents, and for voters of the shortness of existing timetable.

52. It will be important to work through all of the implications of the proposed changes to the deadlines within the timetable to ensure that there are no unintended and negative consequences. The impact of the introduction of individual electoral registration also needs to be factored in with the aim of ensuring a realistic timetable that is workable for voters as well as for administrators and suppliers. We will provide more detailed comments on the proposals in our response to the UK Government's consultation.

53. We welcome the proposal to modify the cycle for polling district and place reviews from four to five years commencing within 16 months of 1 October 2013, as this addresses the issue we have raised regarding the timing of such reviews given the changes to the cycle for parliamentary boundary reviews and the proposed cycle for fixed-term Parliaments.

54. We welcome the provisions to enable candidates standing on behalf of more than one registered political party to use an emblem on the ballot paper.

FURTHER REFORMS UNDER CONSIDERATION

55. The UK Government has asked for views on two further possible reforms which are not currently proposed; to alter the deadlines for postal vote applications and for appointing polling and counting agents.

56. Moving back the deadline for postal vote applications makes sense from an administrative perspective as the period from eleven days (-11) before polling day is particularly pressurised in terms of the volume of work to be achieved. However, if it is simply moved back to the same day as close of nominations (from -11 to -19) it would have the effect of simply moving the pressure point rather than providing a solution.

57. From a voter perspective, such a move would give late registrants less choice—eg they would have to vote in person or by proxy. Equally, if the -11 deadline for postal vote applications remains, it should be recognised that postal votes cannot be despatched until -5 at the earliest and that too has an impact on those voters.

58. We are currently considering all of these issues and will respond in more detail in our response to the UK Government's consultation.

59. Candidates are entitled to appoint polling agents and counting agents to observe proceedings during the poll and at the count as part of ensuring a transparent process in which all participants have confidence.

60. The deadline for notifying the Returning Officer in writing of these appointments is the second working day before the poll. In our report on the UK Parliamentary general election in 2010, we noted that this left very little time for Returning Officers to act on that information, to include it in the paperwork for polling station staff, to provide counting agents with details of the arrangements for the count and their entry pass or ticket, and to provide all agents with the relevant secrecy provisions.

61. These issues are important for the integrity of the process and for ensuring compliance with the secrecy provisions. Therefore we continue to recommend that the deadline is moved further in advance of polling day, eg five working days, as is the case with local government elections.

CONCLUSION

62. In conclusion, the AEA supports the move to individual electoral registration and welcomes the UK Government's commitment to its implementation in 2014. We are pleased with the UK Government's level of engagement with the AEA and with electoral administrators and we look forward to continuing the dialogue. This will be essential in terms of delivering workable and timely secondary legislation and the practical steps that will be necessary during and after the transition to the new system.

September 2011

Written evidence submitted by the Electoral Commission

1. The Electoral Commission is an independent body set up by the UK Parliament. Our aim is to instil integrity and public confidence in the democratic process. Our key objectives are to ensure:

- Transparency in party and election finance, with high levels of compliance.
- Well-run elections, referendums and electoral registration.

2. This submission sets out our initial views on the Government's White Paper and draft legislation on individual electoral registration (IER). The Commission supports changing the way we register to vote to IER because it is important to give individuals responsibility for their own right to vote (rather than leaving this to

a “head of household”). IER should also make the electoral register more secure. We welcome the pre-legislative scrutiny of IER and the opportunity to give evidence to the Political and Constitutional Reform Committee and are pleased that the Government’s plans for a fundamental change to the way we register to vote are being carefully scrutinised by Parliament.

3. We have a number of recommendations regarding the Government’s proposals that are set out below. In addition to this we have outlined our current, detailed views on the Government’s White Paper which the Committee may wish to consider as part of its enquiry.

4. The Commission will be responding directly to the Government’s White Paper by 14 October and therefore our views may have developed further by this time.

SUMMARY OF RECOMMENDATIONS

The electoral register in context

5. The Government and Parliament must consider the impact of how changes to the electoral registration process are made, not just on the registers’ role in establishing people’s right to vote, but also their role in other public procedures—most importantly, their use as the basis for drawing constituency boundaries and selecting juries.

6. The edited register should be abolished, as we argued in response to the Government’s consultation in 2010.⁵²

7. The system must be implemented consistently across Great Britain. Electors should receive a consistently high quality of service, wherever they live. The Commission stands ready to support consistent, high quality implementation through expert advice on how the processes should work (including for example how registration forms can be designed to be as accessible as possible), and by setting performance standards for, and offering advice and guidance to, Electoral Registration Officers (EROs).

8. However, given the significance of this change, the Government should consider ensuring that the Commission is able—as a last resort—to require EROs to implement the change to IER consistently with their colleagues across Great Britain.

9. People are concerned about the uses to which any personal data they supply, may be put. When the Government introduces the primary legislation on which it is now consulting, it should also outline in detail the safeguards for personal data that will be in place under IER.

Improving accuracy

10. The Government should confirm, based on consultation with the relevant experts, that not including a person’s signature among the personal identifiers they must provide as part of their application to register will not compromise the security of the system, or the ability to investigate and deal with potentially fraudulent registrations.

11. The system must ensure that duplicate entries can be detected and ineligible duplicate entries, removed. The Government should begin consulting on potential solutions (including their implementation timescales, and costs) by the end of 2011 at the latest.

Maintaining completeness

12. The Government should amend the approach to building electoral registers for the first time under IER in 2014—to ensure that the risks of “missing” people who are not already on an electoral register, or those who have moved since the previous canvass, are minimised.

13. The Government should re-consider its proposal that people who do not wish to join an electoral register should be given a simple “tick-box” option to avoid being “chased up” during the following 12 months. Great Britain currently has a relatively high rate of electoral registration, and this supports other roles of electoral registers alongside establishing people’s right to vote (see above); allowing people to opt out of electoral registration so easily brings significant risks in this wider context, and should not be introduced as part of the transition to IER, when there is already a significant challenge in ensuring that the completeness of electoral registers is maintained.

14. Both the transition to IER, and the IER system itself, must be designed—on the basis of thorough testing—to be as accessible as possible, particularly for those people who may find the system more difficult. No one should lose their right to vote because the system is too complicated.

⁵² Electoral Commission (2010) Response to the Ministry of Justice consultation *Electoral Registers: Proposed Changes to the Edited Register* (http://www.electoralcommission.org.uk/__data/assets/pdf_file/0005/86927/Response-to-the-Ministry-of-Justice-consultation-final.pdf)

15. The first round of invitations to people to register under the IER system should be timed to take place during a designated time period across Great Britain, to enable maximum impact for supporting nationwide public awareness campaigns.

Implementation

16. This is a very significant change. It will need significant planning and resources, during a period when local electoral registration teams are expecting significant reductions in their resources. The Government should publish a detailed implementation plan alongside the introduction of legislation for IER to Parliament, so that EROs, suppliers and the Electoral Commission can provide more detailed scrutiny and advice to Parliament about the feasibility of the Government's proposals.

17. As well as the changes to primary legislation set out in draft alongside the White Paper, a significant amount of detail will need to be set out in secondary legislation. Without this detail, it will not be possible for the EROs who will be responsible for implementing the change to make a proper assessment of its feasibility, and whether the resources to be provided are adequate. The Government should therefore publish this secondary legislation in draft, at the same time as it publishes the primary legislation on which it is now consulting.

18. The Government must ensure that adequate resources and other support reach EROs when they are needed to ensure effective implementation.

BACKGROUND, CONTEXT AND PRINCIPLES

The electoral registration process

19. The electoral registration process underpins the right to vote in elections. Our electoral registers are a record of the names and addresses of everyone eligible to vote in elections held in Great Britain: to vote at an election, an individual must be listed on the electoral register at the address where they are currently resident. People who are not on the electoral register cannot vote. The last date for applying to be included on the register for a particular election is 11 working days before polling day.

Accuracy and completeness

20. In the early 2000s the Commission estimated completeness of the registers in England and Wales at 91%. Although not directly comparable, this figure was broadly in line with reported estimates for Canada, New Zealand and France, and significantly above that for the USA.⁵³

21. As of 1 December 2010 there were approximately 46 million entries on electoral registers in Great Britain.⁵⁴ Based on data supplied by EROs, we estimate that approximately five million entries in electoral registers are changed (including new electors and home movers, for example) each year.

22. In the period between the "annual canvass" that refreshes electoral registers each year, their accuracy tends to decline. Research by the Commission in 2010 indicated that the accuracy and completeness of an average electoral register will decline by around 1% each month after it is published in December each year—although this will vary depending on the characteristics of the area.⁵⁵

Estimated cost of electoral registration process

23. We estimate that approximately £83m per year is spent on the registration process in Great Britain.⁵⁶

The annual canvass

24. The annual canvass of households, held each autumn across Great Britain, is intended to help ensure that the registers remain as accurate and complete as possible. The annual canvass is responsible for the vast majority of the approximately five million changes to entries on the electoral registers each year.

25. No evidence (eg of age, nationality or residence) is currently required to support the information included on the electoral register—although the ERO may request further information—including evidence about age and nationality—if they have any doubts about a person's eligibility to be on the electoral register.

⁵³ The Electoral Commission (2010) *The completeness and accuracy of electoral registers in Great Britain* (http://www.electoralcommission.org.uk/__data/assets/pdf_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf)

⁵⁴ Office for National Statistics *UK electoral statistics 2010*.

⁵⁵ The Electoral Commission (2005) *Understanding electoral registration: the extent and nature of non-registration in Britain* (http://www.electoralcommission.org.uk/__data/assets/pdf_file/0020/47252/Undreg-FINAL_18366-13545_E_N_S_W_.pdf)

The Electoral Commission (2010) *The completeness and accuracy of electoral registers in Great Britain* (http://www.electoralcommission.org.uk/__data/assets/pdf_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf)

⁵⁶ The Electoral Commission (2010) *The cost of electoral administration in Great Britain: Financial information survey 2007–08 and 2008–09* (http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/99645/The-cost-of-Electoral-Administration-FINAL.pdf)

26. According to our public opinion survey findings, only 56% are confident the system prevents people who should not be on the register from registering.⁵⁷

“Rolling registration”

27. If an eligible elector has not been included on the register following the annual canvass, or if someone changes address after the canvass has taken place, they can complete a **“rolling registration”** form and submit it to the ERO for the local authority area in which they live. Changes made through this route appear on the next monthly update of the electoral register.

28. Based on data provided by EROs in Great Britain, we estimate that between 2% and 3% of entries in electoral registers are changed (either through addition or deletion) as a result of applications made through the rolling registration process between December and August each year.

Inspecting other records

29. EROs are also able to update their electoral registers based on their inspection of other records. They have a power to inspect any records—including Council Tax records—kept by the local authority which appointed them (or its service providers); and records (for example, notices of deaths) held by the local registrar. EROs can also require any person or organisation—including housing associations, private landlords, universities and colleges, among others—to give information needed for the purposes of their duty to maintain their electoral registers. Any inspection should comply with the Data Protection Act 1998.

30. We are aware from our performance standards monitoring that EROs do not necessarily use these powers consistently, and that some EROs do not make full use of the power to inspect all relevant records.

Uses of the electoral register

31. As well as providing a list of people who are eligible to vote at elections, electoral registers are used for other public purposes. Candidates and political parties are entitled to copies, to assist in campaigning, completing nomination papers and checking the permissibility of donations (the Electoral Commission is also entitled to receive copies of electoral registers to assist with its compliance role in checking donations).

32. Electoral registers are also used as the basis for ensuring representative democracy. Numbers of registered electors are used by the various boundary commissions to calculate electoral quotas when they review Parliamentary and local government boundaries.

33. Electoral registers are used as the basis for selecting people to undertake jury service.

34. Electoral registers may also be used for certain specified law enforcement and crime prevention purposes.

35. Credit reference agencies may purchase complete copies of electoral registers, which they use to confirm addresses supplied by applicants for bank accounts, credit cards, personal loans and mortgages.

36. “Edited” electoral registers are available for purchase for any use—such as direct mailing or the construction of sampling frames for large-scale surveys—but any elector may choose to “opt out” of inclusion on the edited register.

37. Complete electoral registers that are more than 10 years old may be supplied for research purposes under certain circumstances.

Northern Ireland

38. Northern Ireland moved from a system of “household registration” (similar to the system still used in Great Britain) to a system of IER in 2002, following widespread concerns about the vulnerability of the electoral registration system to fraud.

39. Electors in Northern Ireland are required to register on an individual basis and provide certain personal identifiers in the form of their date of birth, National Insurance Number and signature.

40. Voters in Northern Ireland are also—unlike voters in Great Britain—required to produce a specified form of photographic identification at polling stations before being issued with a ballot paper. They may also have their date of birth checked against the record on the electoral register.

41. When the first electoral register compiled under IER was published in Northern Ireland in December 2002, it contained approximately 120,000 (10%) fewer names than the final register compiled under household registration in August 2002. An analysis of the drop in numbers concluded that it was largely explained by the removal of duplicate names that had been contained in the household register. Other factors that may help explain the reduction include the impact on particular socio-economic groups, disengagement from the political process and a lack of awareness of the new arrangements.

⁵⁷ ICM (December 2010) *Electoral Commission winter tracker survey*.

42. However, another feature of the move to IER in Northern Ireland was the removal of a provision which existed before December 2002, for the names of those who did not complete an annual household canvass form to be “carried forward” on the electoral register for one year. Analysis suggested that the removal of the “carry forward”, while usefully removing ineligible names from the electoral register, also meant that some eligible people were lost from the register (although research carried out at the time was unable to quantify the proportion of ineligible to eligible entries removed).

43. Following concerns in Northern Ireland that, having moved to IER, people were reluctant to re-confirm their details every year, the requirement to hold a household canvass every year in Northern Ireland was removed in 2006, in favour of an approach known as “continuous registration”. This means that, once an individual elector has provided the identification information required to be registered, they are not asked to re-supply that information again unless they have changed address. It also means that the Chief Electoral Officer must use other mechanisms—data matching and local outreach programmes, for example—to identify new electors and those who have changed address.

Why change is needed

44. The Electoral Commission has been recommending since 2003 that a system of IER be introduced in Great Britain, principally because the current household registration system is vulnerable to fraud as there is no requirement to provide any evidence of an individual’s identity to register to vote.⁵⁸

45. Great Britain’s system of electoral registration has remained largely the same since the Victorian period, and is one of the only systems in the world not based on registration by individuals. Instead, one person in each household is responsible for registering everyone else living at that address—they may fill the form in accurately for the whole house, they might miss off someone who should be registered or add an entry which may not be valid. The system is out-dated, not reflecting today’s reality.

46. But there is another reason to change the system. “Household” registration system means there is no personal ownership by citizens of a fundamental aspect of their participation in our democracy—their right to vote. This is too important to be left for anybody other than the individual citizen to register.

47. Others, including the European Commission for Democracy through Law (the Venice Commission), the Committee on Standards in Public Life (CSPL), the Joseph Rowntree Reform Trust, the Association of Electoral Administrators (AEA) and the Society for Local Authority Chief Executives (SOLACE) and the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) have expressed support for the introduction of IER and/or an requirement for identification as part of the registration process in Great Britain.

48. Research shows that there are real problems with the **accuracy** of our electoral registers. The Commission’s 2010 case study research showed that the overwhelming cause of inaccurate entries on registers was where electors had moved home and not informed the relevant ERO.⁵⁹

49. Although data for the early 2000s suggested that overall levels of **completeness** for electoral registers in Great Britain were broadly similar to those of other comparable democracies, our 2005 report *Understanding electoral registration* showed that 8–9% of the eligible population in England and Wales were not registered in 2000. This would have been equivalent to 3.5 million people at that time. Comparable data was not available for Scotland.

50. The Electoral Commission, funded by the Cabinet Office, is currently working on a project designed to provide an updated, nationally-representative estimate of the accuracy and completeness of the electoral registers in Great Britain. The findings from this study are due in December 2011.

51. The consequences of inaccurate and incomplete electoral registers are that:

- People cannot vote (or are wrongly registered at a polling station perhaps miles from their new home).
- People are not contacted by candidates and political parties campaigning during an election; or, campaigners find themselves writing to, or visiting, people who are no longer there.
- People are not counted in setting boundaries.
- People are not summoned for jury service.
- There are opportunities for people’s votes to be “stolen” if someone uses an old entry on the register to vote in the name of someone who has moved away.

⁵⁸ The Electoral Commission (2003) *The electoral registration process* (http://www.electoralcommission.org.uk/__data/assets/electoral_commission_pdf_file/0015/16053/Registration_9799-7973__E_N_S_W_.pdf)

⁵⁹ The Electoral Commission (2010) *The completeness and accuracy of electoral registers in Great Britain* (http://www.electoralcommission.org.uk/__data/assets/pdf_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf)

52. And people who, though eligible, are not on electoral registers, are not spread evenly across society and across Great Britain. Under-registration and inaccuracy are closely associated with the social groups most likely to move home. Particular groups are more likely not to be on the register and include:

- Young people (17–24 year olds).
- Private sector tenants.
- Black and minority ethnic British residents.⁶⁰

53. The Electoral Commission is clear that introducing IER is the right thing to do, because of the need:

- to improve the security of the system, making it less vulnerable to fraud;
- to recognise people’s personal responsibility for this important stake in our democracy; and
- for a system that people recognise as up-to-date, not rooted in Victorian ideas about households and “heads of household”.

54. But this means that:

- We must ensure that IER really does ensure much greater **accuracy**—any new system must deal especially with the issue of home-movers, which means dealing with duplicate entries.
- We must not lose the strengths of the current system in terms of **completeness**—the current annual canvass approach produces high levels of completeness.
- We must be especially careful to design a transition process that ensures that eligible people who are currently on the register, but only because someone else has entered them, do not drop off the register simply because they are not used to, or have problems with, the registration process.
- We agree with the Government that we should take opportunities to find new ways to reach people who are not currently on the register, and give them the chance to register.
- We must reassure people that the personal data they will be asked to provide, will be kept safe.

55. Moving to IER is absolutely right. But we have stressed all along that this is a significant change to the system of registering to vote. It carries significant risks and so it needs to be carefully managed.

Principles

56. In June 2010 the Electoral Commission published principles which we believe should underpin the changes to the registration system. These principles—outlined below—are informed by the need to ensure that the move to IER is managed carefully and implemented in a way which recognises the fundamental importance of voters participating in electoral and democratic processes, and being able to trust the way our elections work.

- The system should not prevent anyone who is eligible to take part in elections in Great Britain from registering to vote.
- The system should ensure that anyone who is not eligible to vote is not included in an electoral register.
- These changes to the system should be easily explained to, and understood by, electors.
- The system should ensure that all personal data is properly managed and protected.
- The system should be capable of being implemented efficiently and without a detrimental impact on the existing duties and responsibilities of EROs.

Registration as personal choice

57. In the White Paper proposals for 2014 there is an important suggestion (paragraph 74) that the legislation will allow a person to indicate to the ERO in response to the invitation to register that they do not wish to be chased—this will enable the ERO not to ask that individual to register again during that canvass period. The White Paper states that this “will ensure that EROs direct their resources to finding eligible electors who want to be registered”. Although this proposal is set in the context of the White Paper section about 2014, we understand the intention is that this would apply every year under IER; the White Paper makes clear that “it will not be possible for an elector to declare that they do not wish to be registered on a permanent basis”. However, under these proposals there is in practice nothing really to prevent people from opting out of the registration process on a permanent basis, simply by “opting out” every year—in effect, that is a permanent opt-out.

58. The Commission has significant concerns about this proposal. We would not want to see a move away from the current approach—where electoral registration though not compulsory is regarded as an important civic duty—without further debate. The electoral register is not just a record of an individual’s private choice about whether or not they intend to cast a vote at elections, but is also used for important wider public

⁶⁰ The Electoral Commission (2005) *Understanding electoral registration: the extent and nature of non-registration in Britain* (http://www.electoralcommission.org.uk/__data/assets/pdf_file/0020/47252/Undreg-FINAL_18366-13545__E_N_S_W_.pdf)

The Electoral Commission (2010) *The completeness and accuracy of electoral registers in Great Britain* (http://www.electoralcommission.org.uk/__data/assets/pdf_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf)

purposes. Not being on the electoral register leads to a range of consequences, not just being unable to cast a vote, including:

- People not being contacted by candidates and political parties campaigning during an election.
- People not being counted in setting boundaries.
- People not being summoned for jury service.

59. The current approach to maintaining electoral registers is conducted in the context of a strong expectation that the ERO will produce as complete (and accurate) a register as possible, and that citizens will cooperate by providing information for that. Whether or not they then vote is up to them.

60. The risk of the easy “opt-out” proposed in the White Paper is that registration levels (currently 90%+) could drop to around election turnout levels (65% at the last election to the UK Parliament in 2010, much lower at other elections). There could be serious (unintended) consequences for our wider democratic processes if the numbers of people on electoral registers dropped significantly. The Commission could not support this outcome in the context of the overall objective of maintaining the **completeness** of our electoral registers.

61. Whatever the arguments for and against using electoral registers as the basis for drawing constituency boundaries, or summoning juries, the fact is that they are used for these wider public purposes at present. It is not sensible to jeopardise the completeness of our registers by introducing an easy “opt-out” without much more debate and consideration of the wider consequences.

62. We are particularly concerned about the potential impact of this proposal if it is implemented at the same time as electors are asked to make the transition to individual electoral registration. Irrespective of the conclusions of any wider debate about the principle of allowing people to choose not to register, the Government should not pursue this proposal as part of the implementation of IER.

ACCURACY

Detecting duplicate entries

63. Improving the accuracy of our electoral registers is a key aim of the change to IER. The ability to identify ineligible duplicate entries must therefore be an essential feature of the new system; without it, there is a considerable risk that the accuracy of our registers will be compromised—and public confidence with it.

64. The Government is clear in the White Paper that there will be “no new national database”, but it will be important for the various electoral registers across the country to be cross-checked against each other to identify and where necessary eliminate duplicate entries. The White Paper does not make clear how this key outcome will be achieved, and the Government should begin consulting on potential solutions (including their implementation timescales, and costs) by the end of 2011 at the latest.

Verifying identity

65. The Government proposes that in order to be included on an electoral register, people will be asked to provide their National Insurance Number (NINO) and Date of Birth (DOB), which will then be checked against DWP or HMRC databases—but that there will be no requirement for a signature. The White Paper explains that a signature “does not add any significant security to an application nor is there the facility to verify the authenticity of the signature” and that removing the requirement for a signature “will also enable registrations to be made through new channels such as online or by telephone”.

66. We would welcome an approach which simplifies the range of information people are asked to provide for checking, but the Government should confirm with the police and prosecutors that removing signatures from the proposed personal identifiers would not compromise the security of the electoral registration system, or the ability to investigate potentially fraudulent registration.

67. The Government has not proposed removing the requirement to provide a signature when applying for and returning postal and proxy votes.

68. Any system of verification must include accessible and robust alternatives for people who are unable to provide a NINO and/or DOB, or in circumstances where attempts to verify the identifiers prove unsuccessful.

69. The White Paper (paragraph 51) suggests an exceptions process that would be available for those who are unable or unwilling to provide the specified identifying information.

70. We would not support giving people the option of not supplying the required identifiers simply because they are “unwilling”. Such an approach risks undermining public confidence in the integrity of the IER system; and could also lead to inconsistent practices across local authorities. The Commission considers that any exception to the general requirement for the NINO and DOB should be available only to those who are **unable** to provide the information.

71. However, we question the need for a separate process for those unable to provide the NINO and DOB. The Commission’s view is that instead, people should be required to provide two forms of identification from

a specified list—similar to the approach in Northern Ireland—where electors are required to provide evidence as proof of residency, but may sign a declaration if they are unable to supply any of their identifying information.

72. We note that the legislation will allow digital identity assurance should these services become available in the future. We agree that it makes sense to provide flexibility in the legislation in the event that improved methods of verification become available.

COMPLETENESS

The transition to IER

73. The process of moving from a system based on household registration to one in which individuals take personal responsibility for registering is challenging and needs careful planning.

74. The starting point for the transition must be a list of electors that is, as far as is possible, accurate, up-to-date and complete. Based on that list, there then needs to be a process of collecting identifying information from those electors to re-build the electoral register on the basis of IER.

75. The Government has proposed the following approach:

- The starting-point will be the electoral registers published on 1 December 2013 (as updated monthly from 1 January 2014).
- From 1 July 2014, EROs will send IER forms to each person on their electoral register at that date (and to everyone who wants to join the electoral register from then on). IER forms will ask for an individual's:
 - Name;
 - Address (and previous address within the last 12 months—which will enable EROs to notify their counterpart in another local authority area that a registered elector has moved);
 - Nationality;
 - Personal identifiers (see paragraph 65 above).
- The form will also offer the individual a chance to say they do not want their name to appear on the “edited register” (see paragraphs 85–87 below).
- (IER forms will also offer individuals a chance to indicate that they do not wish to register, and do not wish to be “chased” further for the next 12 months. The Commission does not believe that the Government should pursue this proposal as part of the implementation of IER—see paragraphs 57–62 above).
- IER forms will include an insert which asks people to give the details of anyone else who lives at their address and has not received an IER form.
- In addition to the individually-addressed IER forms, Household Enquiry Forms (HEFs) will be sent in 2014 to properties where no electors are registered, including new homes.
- EROs will continue to be subject to their existing duties—that is, if they do not receive a response to the IER forms, they should send reminders and make doorstep enquiries where necessary.
- Entries for people who do not respond to the IER form will not be removed from registers unless the ERO has evidence that they are no longer eligible to be registered. This means that most non-responders will be “carried forward” to the register published in December 2014 and will still be able to vote at elections in 2015.

76. The Commission supports the Government's proposal to use a “carry forward” provision during the transition to IER. A clear lesson from the introduction of IER in Northern Ireland is that, however well-designed the process and however clear the accompanying public information messages, by no means all eligible electors will respond to the change in the first transition year. To deal with the risk that these electors will be disenfranchised, it is therefore sensible to allow a limited “carry forward” provision, which effectively spreads the transition over a two-year period.

77. However, the Commission nevertheless sees the following risks with the Government's approach to the transition:

- We know that significant numbers of registered electors move during each year,⁶¹ and we estimate that approximately five million entries in electoral registers are changed (including new electors and home movers, for example) each year.
- The vast majority of changes each year are identified by the annual canvass process, rather than monthly rolling registration updates, and our research suggests that by July 2014, the December 2013 electoral registers will be, on average, 5–6% less accurate than when they were first published.

⁶¹ In 2001, analysis indicated that between 7% and 25% of people (depending on the area) moved in a year. The figure was 10% or above in 281 local authority areas, with the highest figures in areas with high numbers of students (Oxford, Cambridge, Manchester, Southampton) and of private renters (metropolitan areas such as London boroughs).

- This means that by July 2014, as many as two to three million people across Great Britain could be no longer resident at the address recorded on the December 2013 electoral registers—and would therefore not receive an IER form in July 2014.
- Without a full canvass of households during autumn 2014, any other changes due to electors moving which would previously have been identified by the canvass process may not be identified.
- Under the Government’s “carry forward” proposal (which the Commission supports in principle), if individuals who have moved do not complete an IER form, their names will remain on the electoral register until after the proposed UK General Election in 2015, but at the wrong address. This is unlikely to help those electors to participate in the 2015 elections, and carries an increased risk of fraud from poll cards and postal ballot packs being sent to addresses where electors are no longer resident.

78. While the Commission recognises that there is no easy solution to the challenges of making the transition from the current household system to the IER system, we are concerned about these risks. We think that the Government should carefully examine the case for running a full household canvass in mid-2014, and sending IER forms immediately to everyone listed on the household canvass return. While we note that the Government appears to have taken the view that this approach would have an unacceptable cost, and could confuse electors, the Commission questions whether the potential savings are justified by the risks that we have set out above to the accuracy and completeness of the electoral registers to be used at the 2015 UK General Election. We believe that it should be possible to explain to electors that the approach to the household canvass in 2014 would be different, and tell them to expect to receive IER forms as a result of completing the canvass form.

Public awareness

79. Whichever process is followed, it is important that during the transition period, IER forms are sent out during the same reasonably short period across Great Britain. This will allow maximum impact for accompanying public information messages to remind people to look out for the forms, tell them what to do if they have not received one, and why it is important for them to complete them and send them back to their ERO. The scale of the challenge is significant, with around 46 million people needing to act in order to secure their vote.

80. A public information campaign designed to reach such a large number of people will need to be carefully planned in order to maximise its effectiveness and coverage, especially given the need to make the most efficient use of available resources. The Commission will continue to develop its plans in this area in conjunction with Government and other relevant stakeholders, paying particular attention to how public information can best be delivered, and the balance between the Commission’s GB-wide campaigns, local campaigns by EROs, and harnessing opportunities to reinforce the message about IER through a wide range of other interested groups across society—including political parties at national and local levels. The Commission will also need to ensure that public information about the transition is fully accessible to all groups in society, especially those who are most likely to need additional explanation and support.

Data matching pilots and other initiatives

81. The White Paper explains that the Government is exploring, through a series of pilot schemes, “whether EROs can use public databases to identify people eligible to vote but missing from the register so they can invite them to register”. There are 22 data matching pilot areas (19 in England and three in Scotland). If these schemes prove successful then the White Paper states that the Government will look at how data matching can be extended across the country. The Commission supports these trials and will be conducting a statutory evaluation of them, which will be completed by March 2012. We will report on:

- how far the schemes achieved the purpose of assisting the local registration officer to meet their objectives (ie, that people entitled to be on their register are on it; people not entitled are not on it; and that information about people who are on the register is correct). whether (and if so, how much) people objected to the scheme;
- how easy the scheme was to administer; and
- whether and how far the scheme resulted in time/cost savings.

82. Data matching allows EROs to match names and addresses on their local electoral register with names and addresses on existing national databases (in addition to the local information they can already use—see paragraphs 15–16 above), so that ineligible entries can be removed and people who are missing from the register have the opportunity to be added.

83. We do not yet know how effective data matching will be. Whatever the outcome of the trials, however, the Commission believes that in order to mitigate the significant risks of eligible people being lost from electoral registers during the transition to IER, the Government should give further detailed consideration to wider options that will help ensure the completeness of the electoral register throughout the implementation process. Further options are needed not only in the event that data matching is less successful than we hope, but also to deal with “at risk” groups who are less easily picked up through the data matching approach.

84. The Commission also believes that where risk-mitigation approaches including data-matching are proved to be effective, EROs should be required to use them.

The “edited” register

85. The Commission has previously recommended that the “edited” register should no longer be compiled or made available for sale.⁶² The previous Government consulted on this issue in 2009–10 but no decision has been announced either by the previous Government, or this Government.

86. Our reasons for recommending abolition of the edited register are as follows:

- It is wrong in principle to combine a request for information for the purposes of electoral registration, with the issue of direct marketing. The Commission is concerned that, in some cases, combining these issues may act as a deterrent to people registering. A survey carried out in 2008 by the Local Government Association and Association of Electoral Administrators found that almost nine in ten electoral officers surveyed believed that the practice of selling the electoral register discouraged people from registering to vote.⁶³
- The Commission shares the concerns of the Data Sharing Review—which Richard Thomas and Mark Walport (then Information Commissioner and Director of the Wellcome Trust respectively) undertook at the request of the Prime Minister and the Justice Secretary in 2008—that asking electors whether they wish to opt out, rather than opt in, may be confusing, and that many people may not realise that the “edited” register can be sold to anyone.

87. The introduction of IER in Great Britain strengthens the case for abolishing the “edited” register—especially if the Government were to persist with the idea of offering an “opt out” choice for electors who “do not wish to be chased” by their ERO (see paragraphs 57–62 above)—which risks further confusing people about what they are opting into and out of. We are also concerned that the proposal to ask people for personal information such as their DOB and NINO—which we support in the interests of accurate electoral registers—will be more difficult to deliver if people are concerned about the possibility that this information may be made available to third parties. Abolishing the “edited” electoral register will provide additional reassurance to people and reduce their concerns about what may happen to their personal data.

IMPLEMENTATION

Ensuring consistent implementation and a high quality service for electors

88. Since July 2008, the Electoral Commission has set performance standards for EROs in Great Britain, covering planning, maintaining completeness and accuracy, ensuring electoral integrity and promoting public awareness. The Commission has reported annually on how well EROs are performing against these standards. Our assessments show that there has been a continuing improvement in EROs’ performance since 2008. However, there remain 45 EROs who, in some aspects of their performance, have shown no improvement over the three years in which we have been reporting. And the overall figures contain evidence of patchy performance. In particular, our performance standards reports show that there is still work to be done by EROs in relation to their plans for participation activities; that is, their plans to encourage local people to register to vote. These activities will be crucial during the implementation of IER and subsequently.

89. The Commission will be looking at how we use performance standards to monitor the preparedness of EROs for the introduction of IER, and to provide early-warning signs where EROs may not have the capacity or capability to deliver. Our approach to supporting and monitoring the performance of EROs will need to be adapted to reflect the new legislative and practical requirements of IER. We have already begun the process of reviewing the current standards for EROs and will undertake public consultation on proposed revisions once the legislative framework is clear. We intend to publish our revised standards and supporting guidance well in advance of the implementation of any new processes, and will monitor and report on EROs’ performance against these revised standards during 2014 and 2015.

90. However, there is no formal mechanism in place to ensure that EROs take steps or put in place plans to meet the agreed standards. We think that poses a significant risk to the achievement of the outcomes of IER, one of which should be a consistently high quality of service for all electors.

91. Section 52 of the Representation of the People Act 1983 gives the Secretary of State a power of direction over EROs following a recommendation by the Commission, requiring them to comply with any general or special directions in relation to the discharge of their functions. But this power is seldom used, not well understood and not conducive to timely interventions of the kind that might be necessary during the implementation of IER. We do not believe it will ensure consistently high-quality service to electors.

⁶² Electoral Commission (2010) *Electoral Commission response to the Ministry of Justice consultation Electoral Registers: Proposed Changes to the Edited Register* (http://www.electoralcommission.org.uk/_data/assets/pdf_file/0005/86927/Response-to-the-Ministry-of-Justice-consultation-final.pdf)

⁶³ “New survey shows overwhelming support for changes to electoral register” LGA press release—Tuesday 26 August 2008.

92. There needs to be an effective, straightforward and timely method for ensuring individual EROs deliver the transition to IER effectively, and manage the risks that it involves. Much of this can be done through developing our approach to monitoring performance against the Commission's standards. But we recommend that instead of the Secretary of State retaining such a wide power of direction, the Commission's existing powers to set and monitor performance standards for EROs should be strengthened with appropriate sanctions to enable us to direct EROs to take steps to meet the agreed standards. Such a power should be used as a last resort, in cases where there is an unacceptable risk that electors may not receive a consistent high quality service.

93. The draft legislation published with the White Paper includes a provision⁶⁴ requiring EROs to "have regard to any guidance issued by the Secretary of State about the determination of applications under this section". The Commission produces comprehensive guidance for EROs. We would expect to issue revised guidance to EROs on the determination of registration applications under IER. It therefore seems unnecessary for an additional guidance function to be given to the Secretary of State; the Commission should take on this role.

94. We would welcome further discussions with the UK and Scottish Governments and EROs to explore the most effective way of implementing this proposed new model for ensuring effective delivery of these new registration processes.

Consistent access to electoral registration

95. It is an important principle of participation that the process for registering voters is effective, impartial and non-discriminatory, with clear criteria for registration and equal access to the registration process for all who are eligible.

96. We support the goal of an electoral registration system that can adapt to future developments—including different channels for registration. However, new channels should be universally available, rather than being limited to areas that can afford or choose to implement them. There is already inconsistency in the provision by EROs of registration channels—for example, some, but not all, EROs, offer electors the option of confirming their registration details by telephone. The introduction of IER provides the opportunity to ensure that electors get a consistent service across Great Britain, and in particular that all electors have a consistent choice of channels to access the electoral registration service.

97. We welcome the Government's proposal that the Commission should be given the role of designing electoral registration forms under the new system, and that EROs should be required to use these forms. This will help ensure that forms are of a consistent standard, have been tested for usability and that essential information is provided in a format that is easy for voters to understand. A similar role was undertaken by the Commission at the recent Wales and UK-wide referendums, which proved successful.

A clear planning trajectory

98. The change to IER will mean significant changes for EROs and it is essential that sufficient time, resources and support is given to them as they prepare for this change.

99. While the Government has indicated that it intends to introduce legislation to Parliament in early 2012, much of the essential detail required to properly plan and prepare for implementation cannot be provided until secondary legislation has been confirmed. The scale and complexity of the changes required to be implemented before July 2014 are illustrated below.

- EROs will need to be ready to issue IER forms on 1 July 2014, and to receive completed forms and verify identifiers almost immediately. This means that all forms will have been printed and the required IT systems are in place by the end of June 2014.
- For EROs to have properly planned and produced contracts for the production and distribution of IER forms in July 2014, they will need confirmation of individual funding assumptions and also confirmed printing specifications and requirements.
- The Electoral Commission will need to carry out development, design and user research on proposed IER forms before specifying them for EROs to print and issue to electors.
- EROs will also need to have regard to advice and performance standards issued by the Electoral Commission as they plan for the implementation of IER. Our guidance and standards will need to reflect the detailed regulations contained in secondary legislation.
- For electoral management software suppliers to ensure that EROs can process returned forms in July 2014, they will need to have developed, tested and issued any new or revised software. Software suppliers and EROs will need confirmation of the technical specification of the communication systems and processes required to verify identifiers provided on IER forms before they can begin development of their own systems.

⁶⁴ Subsection (5) of section 10ZC

- Electoral management software suppliers will also need confirmation of the funding and payment process for changes to electoral management systems before they are able to commit to implementing required changes.

100. We recognise that the Government will need to reflect on the views expressed during pre-legislative scrutiny of the proposals set out in the White Paper before setting out its final policy for IER in legislation. It should not, however, delay producing a clear plan and budget for implementation, including the details of all associated IT development and procurement processes, for consultation with EROs. This plan should be published when the Government introduces legislation for IER to Parliament, so that EROs, suppliers and the Electoral Commission can provide more detailed scrutiny and advice to Parliament about the feasibility of the Government's proposals.

Funding the change

101. Expenditure for electoral registration falls into two main categories: funding the annual canvass; and funding the year-round registration process, known as "rolling registration". The expenses of registration must be properly accounted for by the ERO and then paid by the council (Section 54, RPA 1983). The amount of finance allocated to this service will, however, be determined by the council which will need to balance it against provision of finance across all services. This is in contrast to the provision of adequate staffing resource in order to assist the ERO, which is a direct duty of the council and should not be subject to wider constraints (Section 52(4), RPA 1983).

102. Currently, the budget for electoral registration must be provided to the ERO by the council that appointed them, and must be sufficient to allow the ERO to fulfil their duty to maintain the register. Each local authority is required to provide its ERO with adequate funds to carry out house-to-house, postal or other enquiries as are necessary in order to produce and maintain the register of electors.

103. It will clearly be essential to ensure that EROs are properly resourced to deliver their responsibilities under IER. There will inevitably be varying capacities across local authorities and among EROs to resource and implement IER and, as noted, although local authorities are required to fund electoral registration, it is not as a service subject to ring fencing or other restrictions as to how resources must be allocated. Without mechanisms to ensure that any additional funding directly reaches EROs, there is a risk that IER will not be implemented consistently across Great Britain. We would therefore recommend that the Government identifies effective ways of ensuring that any funding allocated to the implementation of IER is only used to support the implementation of IER and any related electoral registration activity.

104. The Government also needs to ensure that sufficient funding is available for the activities listed in the White Paper—for example, data matching, other initiatives to encourage registration, online registration, canvassers.

105. The Commission will fund public awareness activity and our research programme.

The Electoral Commission's role in the electoral registration process

106. The Commission's key responsibilities during the transition from household to individual registration will be:

- Providing the UK Parliament with robust evidence about the implementation of IER. As the independent expert body for elections and electoral registration, we will develop and deliver a programme of research to support scrutiny and assessment of the impact of these changes. For example, we will report on the completeness and accuracy of the electoral registers before and after the transition to IER. Our next report on the completeness and accuracy of the registers in Great Britain will be published in December 2011. We will also be closely monitoring the public response to the new registration system.
- Supporting government, EROs and others to ensure that a clear and robust plan is developed for implementing individual registration.
- Providing guidance and support to help EROs collect personal identifiers, and monitoring delivery across Great Britain via our performance standards framework. Guidance and standards issued by the Commission to EROs will be updated to reflect the revised statutory requirements for IER.
- Developing and coordinating a programme of public awareness activity to ensure electors understand what they need to do under the new registration system.

Further written evidence submitted by the Electoral Commission

1. We welcome the publication of draft proposals for changes to electoral law for pre-legislative scrutiny, and we are pleased to be given the opportunity to contribute to this process.

2. The Electoral Commission has highlighted on many previous occasions, including in our regular statutory election reports, the piecemeal nature of recent changes to the electoral process in the UK. We continue to recommend that the UK Government should set out and consult on proposals for a medium to long-term strategy for the modernisation of electoral administration in the UK.

3. In the absence of such a strategy, we have therefore also included in this response an outline of the key changes that we believe should also be included in legislation and implemented in time for the next UK Parliamentary general election. These changes have been highlighted in previous statutory election reports, most recently in our July 2010 report on the May 2010 UK Parliamentary general election.

4. We are disappointed by the lack of policy context provided alongside the draft provisions. The explanatory notes do not provide enough background or evidence to support appropriately detailed consideration of these proposals.

5. Our response addresses each of the Government's draft provisions in turn, and also makes a series of other recommendations relating to electoral administration that we believe the UK Government should implement alongside the draft provisions.

RESPONSES TO DRAFT PROVISIONS

Clause 1—*Extension of the timetable for UK Parliamentary elections*

6. The Electoral Commission has, since 2003, recommended that the UK Government should bring forward proposals to rationalise and introduce greater consistency to the timetable for elections throughout the UK. We have recommended in particular that the timetable for UK Parliamentary elections should be lengthened and that key deadlines should be brought into line with those for other elections.

7. We therefore welcome the proposal to extend the timetable for UK Parliamentary elections from 17 to 25 working days from dissolution of Parliament to polling day, with an increased period between the close of nominations and polling day.

8. We also support the proposal to retain the same length of time between the commencement of the timetable and the deadline for nominations. This ensures that political parties and candidates will continue to have sufficient notice and time to nominate or be nominated.

9. We have a number of questions about the Government's proposals, however, which we do not believe are fully dealt with in the accompanying explanatory notes. First, given the proposals currently before Parliament to fix the date of the next UK Parliamentary general election, why is the Government proposing that the election timetable should continue to be counted forward from the dissolution of Parliament, rather than calculating deadlines backwards from polling day (as is the case for all other elections in the UK)?

10. Second, why is the Government proposing greater flexibility for the timetable for Parliamentary by-elections and polls which are re-run due to the death of a candidate, including flexibility for the Acting Returning Officer over the setting of polling day? We do not see any reason why the rules for these polls should not specify that the length of the timetable will be the same as for a UK Parliamentary general election.

11. The Government should ensure that it addresses both of these queries when it introduces any legislation to Parliament.

12. Although we support the proposal to lengthen the timetable at this stage, we are also disappointed that the Government has not taken this opportunity to carry out a more comprehensive assessment of the optimum length for the election timetable and the relevant electoral registration and absent voting deadlines.

13. We recognise that there are currently different timetable lengths for different elections, and we do not necessarily believe that a single timetable should be imposed across all elections. Nevertheless, we believe that the Government should also take the opportunity to consider the relationship between the UK Parliamentary timetable and other statutory timetables.

Clause 2—*Alteration of electoral registers: pending elections*

14. We support the policy intention behind the proposal to require additional publications of the notice of alteration to electoral register prior to polling day, which is to allow earlier distribution of postal ballot packs for electors who have registered or made an application to vote by post close to the current deadline for applications.

15. Again, though, we have a number of questions about the Government's proposals which we do not believe are fully dealt with in the accompanying explanatory notes.

16. First, we are concerned that the full benefits of an extended election timetable as set out in these proposals would not be available to all postal voters. The Government has not indicated that it intends to amend the relevant rules which specify that ballot packs cannot be dispatched until 5pm on the eleventh working-day before polling day. This means that service and other overseas voters in particular will still have a relatively short period in which to receive, complete and return their postal ballot packs in order for their votes to be counted.

17. The Government should amend the rules to allow an earlier dispatch of postal ballot packs than that which is possible under the current timetable, or explain why it does not intend to make such a change.

18. Second, it is not clear why the Government has proposed to allow two additional publication dates for notices of alterations to the electoral register between close of nominations and the fifth day before polling day. The Government should quantify the benefit that it believes the second interim publication would bring.

19. Third, it is not clear that an earlier interim publication date for alterations to registers would allow postal ballot packs to be sent any earlier to electors who have been granted a postal vote for a definite or indefinite period. Returning Officers would still be required to wait until after 5pm on the 11th working day before polling day to issue postal ballot packs to those electors. The Government should confirm that the proposed changes will be applied consistently for the different categories of people who have been granted a postal vote, or explain why it does not believe that such a change would be appropriate.

20. Fourth, we would welcome confirmation that the UK Government intends these provisions to be applied to all elections for which the UK Parliament has legislative competency, including elections to the National Assembly for Wales and the proposed elections for Police and Crime Commissioners which we understand the Government intends will take place in May 2012.

21. We also recommend that the Government takes this opportunity to amend Subsection 5 of Section 13B of the Representation of the People Act 1983 so that the “the appropriate publication date” falls on the fifth day before polling only. Although, in practice, few Electoral Registration Officers publish the last notice of alterations to the register on the sixth day before polling day, we are concerned that publishing on this date would mean that the registration deadline would effectively fall on the 12 working day before polling rather than the 11 day as at present.

22. We also note the omission of referendums from this provision. Although the Parliamentary Voting System and Constituencies Act made an amendment to Section 13B specifically for the 5 May 2011 referendum, referendums are not currently covered by the existing 11 day provisions. We recommend that referendums held under the Political Parties, Elections and Referendums Act 2000 (PPERA) should either be included in both Sections 13AB and 13B to ensure consistency and limit opportunities for a negative impact on electors, or that this issue is resolved in a generic conduct Order for referendums held under PERA.

Clause 3—Review of polling districts and places in Great Britain

23. We note the Government’s intention to introduce a compulsory review period during which authorities must review all Parliamentary polling districts and polling places in their area. The period commences with the 16 months from 1 October 2013 and the period of 16 months beginning with 1 October every five years thereafter.

24. We understand that these periods have been selected to coincide with both the expected UK Parliamentary elections under a fixed term parliament as well as the schedule for boundary reviews. We agree that the review of polling districts and places should take place once the boundary review has concluded.

Given that the provision means that formal reviews will take place less frequently, it is essential that all polling places and stations used should be kept under continuous consideration, and an evaluation of their suitability carried out after each election and any desirable changes implemented accordingly.

Clause 4—Use of emblems on ballot papers

25. In our report on the administration of the 2010 UK Parliamentary General Election, we recommended that the Government should amend the rules as quickly as possible to allow candidates standing with a description jointly approved by more than one registered political party to also include an emblem on the ballot paper.

26. We were pleased that the rules for the May 2011 elections were changed in time for candidates to include an emblem on ballot papers, and we welcome confirmation of the Government’s intention now to address the defect in the legislation for UK Parliamentary elections. We support the introduction of this provision.

OTHER RECOMMENDATIONS

27. The legislation which is intended to provide for the introduction of individual electoral registration is likely to be the only opportunity in the lifetime of this Parliament to address electoral administration issues in a cohesive manner. We have made a number of recommendations for changes to electoral law in statutory

election reports in recent years, and we recommend that the Government should introduce further provisions to the Bill to implement the following measures:

28. We want the Government to change the law to make clear that eligible electors who are entitled to vote at a polling station and who are in the queue to enter the polling station at the close of poll will be allowed to vote, as recommended in our report on the problems at polling stations at the 2010 UK Parliamentary General Election.

29. We also recommend that the Government examine the case for requiring electors to show identification at polling stations in Great Britain. The introduction of such a requirement must balance accessibility for electors against the need to have a robust and secure system of polling.

30. The rules for all types of election should be amended to specifically allow Police Community Support Officers (PCSOs) to enter polling stations.

31. Feedback from Returning Officers and electoral administrators suggests that many returned postal votes are rejected because voters' signatures have changed since their first application. Returning Officers should be given powers to request a refreshed identifying signature and also provide electors with feedback if their identifier has been rejected to address this problem.

32. The checking of returned postal votes is an important measure against postal voting fraud. It should be mandated that 100% of returned postal votes have their identifiers checked against those supplied at the time of application, rather than the current legal minimum of 20%.

33. The Government should also take immediate steps to amend the emergency proxy provisions to broaden the eligibility criteria. The criteria should at least include—though not necessarily be limited to—caring responsibilities including the medical emergency of a dependent or other person, bereavement and reasons related to employment.

34. We again call on the Government, in the strongest possible terms, to repeal provisions which allow for the commercial sale of the edited register. We firmly believe that the electoral register should not be used for commercial gain and that an individual's data, given for civic purposes, should not be sold to companies wishing to profit from it.

35. Also, as stated in our response to the IER White Paper, we are concerned about the potential for confusion about the uses of peoples' personal data to erode public confidence the registration system, and therefore believe that the introduction of IER strengthens the case for ending the sale of the register.

36. We do, however, believe that it would be useful for access to the full register to be extended to academics. At present, academics are unable to access the register for research purposes. A scheme is currently in place to allow academics access to census data and an equivalent could be put in place for registration data.

37. The Parliamentary Voting System and Constituencies Act 2011 gave the Chief Counting Officer for the May 2011 referendum the power to specify modifications to the wording or appearance of certain voter-facing forms and notices to make them easier for voters to understand or use. We would like to see a similar power for the Electoral Commission extended to other categories of election, to ensure that essential information is provided in a format that is easy for voters to understand.

38. Finally, though we see no reason to move polling day from its traditional Thursday, we would recommend that the Government considers the introduction of a system of advance voting (enabling people to vote at a central polling station between one and seven days before traditional polling day). Allowing electors to cast their vote prior to polling day would offer a new channel for voting that would complement absent voting and improve access to the democratic process.

September 2011

Written evidence submitted by Jenny Watson, Chair, Electoral Commission

**ELECTORAL COMMISSION ORAL EVIDENCE SESSION ON THE GOVERNMENT'S PROPOSALS
ON INDIVIDUAL ELECTORAL REGISTRATION AND ELECTORAL ADMINISTRATION, 15
SEPTEMBER 2011**

1. Thank you for inviting me and my colleagues to come and give evidence to your Committee on 15 September.

2. At the session we undertook to write to you enclosing a copy of our interim Electoral Registration Officer Performance Standards report. To this end, I thought it might be useful if I provided you with some details about our Performance Standards framework and our findings from the last three years, which I have summarised below. I have also enclosed our most recent reports, for your information.⁶⁵

⁶⁵ Not printed

PERFORMANCE STANDARDS

3. Under the Electoral Administration Act 2006, the Commission has powers to set and monitor performance standards for electoral services in Great Britain. The provisions do not apply to Northern Ireland, but we are currently working with the Electoral Office for Northern Ireland on how to implement performance standards there.

4. We monitor the performance of both Electoral Registration Officers (EROs) and Returning Officers (ROs) through our performance standards framework, highlight where electoral registration and elections are well-run and challenge EROs and ROs where the service received by electors is below standard. We ensure the quality of information provided by EROs and ROs by reviewing a sample of performance standard assessments, which are sometimes reviewed by EROs and ROs and resubmitted to us as a result of this monitoring.

Once we have collated and analysed the returns we receive from every ERO and RO in Great Britain, we publish a report on their performance, as well as presenting the data in graphical format on our website. In addition, we write to each MP and Council leader with details of the performance of their ERO/RO.

5. Maintaining a complete and accurate electoral register and delivering well-run elections involve the administration of detailed processes. Our current performance standards framework has predominantly focussed on ensuring that a consistent set of plans and processes are used by EROs and ROs to carry out their core duties.

UK-WIDE PERFORMANCE STANDARDS DATA

6. The performance of both EROs and ROs has improved over the three years since the performance standards framework was first introduced. For example, in 2009 only 27% of EROs reported that they were meeting or exceeding all ten standards, compared with 51% in 2010 and 84% in 2011.

7. RO performance against the standards have also increased, with 65% reporting that they were meeting or exceeding all seven standards in 2009, compared with 82% in 2010. There is no data for the 2011 RO performance standards as the Commission monitored performance of COs in real time and it was therefore not necessary to ask them to report on their performance in the usual way. We were able to do this for the referendum because the Chair of the Commission, as Chief Counting Officer (CCO), had the power of direction over Counting Officers (COs) and we were therefore able to alter our approach to ensure that we could identify and resolve any issues before the polls took place. We will be reporting on the conduct of the 2011 polls in October.

NATIONAL VARIATIONS

8. Since 2009, performance has improved in Scotland to the extent that EROs and ROs there now meet all the standards. Performance in England and Wales has also improved since 2009 but in Wales, 9% of ROs did not meet all of the standards in 2010 while in England, 18% did not do so. Amongst EROs, 17% in England did not meet all of the standards in 2011 while in Wales, 23% did not do so.

PERCENTAGE OF EROS NOT MEETING ONE OR MORE STANDARDS

	<i>England</i>	<i>Scotland</i>	<i>Wales</i>
2009	74%	53%	96%
2010	49%	41%	55%
2011	17%	0%	23%

PERCENTAGE OF ROS NOT MEETING ONE OR MORE STANDARDS

	<i>England</i>	<i>Scotland</i>	<i>Wales</i>
2009	37%	9%	41%
2010	18%	0%	9%

DEVELOPING OUR FRAMEWORK FOR THE FUTURE

9. After two years of measuring RO performance against the standards, we now intend to develop the performance standards framework and in doing so learn from our experience in monitoring the delivery of the 2011 polls. We are currently consulting on revised draft performance standards for ROs and intend to publish revised standards in December 2011. Details of the consultation can be found on our website and are also enclosed, should you wish to contribute.⁶⁶

10. We want to make sure that our performance standards focus not only on ensuring that key processes are in place to deliver successful, well-run elections, but also that they look at the quality of the outcomes that these processes produce. We are also aiming to change the way we monitor performance against the standards

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so that, instead of asking ROs to report on their performance after the poll, we will instead monitor performance in real time. This should allow us to identify any problems, and to work closely with the RO to correct them, before they impact on the delivery of the poll. For those elections where a RO has the power of direction, such as the London Assembly elections for example, we will work closely with that person to support them within their role. The most recent reports we have published and our consultation are enclosed for your information:⁶⁷

- Performance standards for EROs: August 2011 Report into EROs failing a performance standard in all three years
- Report on ERO performance against the standards in 2010
- Report on RO performance against the standards in 2010 (UKPGE)
- Consultation on revised performance standards for ROs

11. I hope you find this information useful and if you have any further questions you would like to raise, please do not hesitate to get in touch to arrange a meeting.

October 2011

Written evidence submitted by Mr Mark Harper MP, Minister for Political and Constitutional Reform

**ELECTORAL ADMINISTRATION PROVISIONS—PUBLICATION OF DRAFT LEGISLATION ON
WEDNESDAY 13 JULY**

1. I am writing to inform you that the Government is publishing today draft legislation on three electoral administration provisions for pre-legislative scrutiny. The draft legislation is accompanied by Explanatory Notes in order to assist the reader of the provisions and to help inform consideration of them.

2. The draft legislation is intended to form part of a larger package of measures which will also include draft legislation on individual electoral registration (IER) which, as you know, has been published separately for pre-legislative scrutiny. The draft legislation addresses particular issues that have been raised by MPs and peers, and by electoral stakeholders, and proposes practical and sensible changes that will help to deliver more effective electoral administration.

3. The draft legislation includes provisions which extend the timetable for UK parliamentary elections from 17 to 25 days and similarly extends the timetable for UK parliamentary by-elections. It is worth noting that the timetable provisions do not currently take into account the IER proposals, in that they are drafted to amend the current version of the Representation of the People Act 1983 and not the Act as it will be amended by the IER provisions. The drafting will of course be consistent when the provisions are introduced in a single Bill.

4. Extending the timetable for UK Parliamentary elections and by-elections will bring benefits for voters, in particular overseas and service voters, and administrators, as well as adding to the robustness and integrity of the electoral process. I propose that, within this extended timetable:

- the deadline for parties to nominate candidates should continue to be six days after the start of the timetable. In practice this will now be 19, rather than 11, days before the date of poll, which will allow administrators to begin printing ballot papers further in advance of the poll; and
- provision should be made for updated versions of the electoral register to be created at an earlier point in the timetable to allow postal votes to be distributed to new registration applicants earlier than is currently possible.

5. I also propose to address an oversight in existing legislation passed during the previous Government's time in office which allows a candidate standing for a single party in a UK Parliamentary election to use an emblem on their ballot paper, but does not allow jointly-nominated candidates to do so. This issue has primarily affected candidates standing on behalf of the Labour Party and the Co-operative Party. The proposal will ensure that electoral law is consistent on this issue.

6. The draft legislation also makes changes to the existing system for reviews of polling districts and places in Great Britain for UK Parliamentary elections to bring them in line with the five year cycle for UK Parliamentary boundary reviews implemented by the Parliamentary Voting System and Constituencies Act 2011 and the proposed cycle of Parliamentary terms under the Fixed-term Parliaments Bill.

7. I would like to highlight two particular issues that we have considered in developing the draft legislation in light of representations from stakeholders but have not made provision for in the published draft legislation. It would be very helpful if views could be welcomed from stakeholders as part of the pre-legislative scrutiny process.

8. The first issue is that, in the context of the proposal to extend the electoral timetable, whether the deadline for postal vote applications (but not the deadline for registration applications which would stay at 11 days before the date of the poll) should be moved further in advance of the date of the poll, for example, from 11 to 19 working days. If stakeholders support this alternative proposal to that set out in the Bill, it would be helpful to invite them to make an evidence based case for it. We considered this approach when developing

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the extended timetable provisions and we think this change would make it possible for the whole postal vote issuing process to be completed within a week of the 19 day deadline, shortly after the 14th day prior to polling day. However, whilst the option would retain the benefit for electors of being able to register up to 11 days before polling day as now, it would reduce their flexibility to obtain a postal vote. Some have argued that this change would ease pressures round the processes for issuing postal votes. On balance, we do not favour this approach because we do not wish to constrain the existing flexibility for electors but we recognise that some stakeholders would prefer this approach and we would welcome their submissions.

9. Secondly, we would welcome views on whether the deadline for appointing polling and counting agents by candidates at an election should be further in advance of polling day, for example, five working days. The role of these agents is to scrutinise the running of the poll during voting, the opening of postal votes and the counting of votes, and assist in identifying any issues with the conduct and integrity of the poll. Currently the deadline for appointing the agents is two working days before the poll. Anecdotal evidence from stakeholders suggests that it would be helpful if the deadline was moved to an earlier point in the timetable, in order to ease pressure on administrative processes during what is inevitably a very busy final few days before the poll. A possible change is that the deadline for appointing polling and counting agents is moved to five working days before the date of the poll. Again, we would welcome views on this issue, including from the political parties.

10. In publishing this draft legislation for pre-legislative scrutiny we look forward to the Political and Constitutional Reform Committee's Report later this year.

July 2011

Further written evidence submitted by Mr Mark Harper MP, Minister for Political and Constitutional Reform Committee, Cabinet Office

1. I am writing to inform you that the Government is publishing today draft legislation on a further electoral reform provision for pre-legislative scrutiny. The draft legislation is accompanied by Explanatory Notes in order to help inform consideration of them. The Government is also announcing today two electoral administration measures that can be achieved through secondary legislation under existing powers, and though it is not intended that they should be considered as part of the formal pre-legislative scrutiny process we will, of course, welcome any comments from the Committee on them.

2. These further provisions are intended to form part of a larger package of measures which will also include draft legislation on individual electoral registration, and the electoral administration provisions on: extending the electoral timetable, emblems for jointly-nominated candidates, and the timing of polling places reviews, which as you know, have been published separately for pre-legislative scrutiny.

3. The further proposals address particular issues that have been raised by MPs and Peers, and by electoral stakeholders, and propose practical and sensible changes that will help to deliver more effective electoral administration, and to increase participation and trust in the electoral process.

4. The draft legislation removes the automatic postponement of parish and community council elections in England and Wales that currently occurs when they fall on the same day as ordinary local government elections and either a parliamentary or European parliamentary general election. This will allow more polls to be combined and facilitate participation in parish and community council elections. Under the Parliamentary Voting System and Constituencies Act 2011, Parliament agreed that parish council elections in England went ahead as scheduled on 5 May alongside the voting system referendum and local government elections, and early indications are that this worked well.

5. I am also announcing proposals that can be achieved through secondary legislation under existing powers that will:

- mandate 100% checking of the identifiers for postal votes at elections. Whilst current legislation requires a minimum of 20% of postal vote identifiers (signatures and date of birth on the statement returned with each postal vote) to be checked, over recent years there has been a general commitment shown at both local and national polls to check 100% and, with safeguards for instances where there is a good reason that this cannot be done, now seems the right time to formalise this position; and
- extend the "emergency" proxy voting facility to enable those called away on business or military service unexpectedly, and at short notice, before an election, to appoint a proxy to vote on their behalf. At present, only those who fall ill once the routine deadline for proxy applications has passed are able to appoint an "emergency" proxy up to 5pm on polling day.

6. As I have indicated, it is not intended that these two proposals for secondary legislation should be formally considered as part of the pre-legislative scrutiny process though I hope the Committee will find it helpful to be made aware of these proposals which will impact upon the electoral process.

7. Finally, I would like to highlight a particular issue that we have considered as part of our examination of existing electoral policy, but have not made provision for in the published draft legislation. We have considered the possibility of amending the Recess Elections Act 1975 to ensure that the Act covers all types of vacancy

that may arise, but which are not currently covered. At present, under the 1975 Act, a writ may be issued in recess for certain types of vacancies that may arise, for example, due to death, a bankruptcy order, elevation to a peerage, or taking up a disqualifying office but not for vacancies that arise where a Member of Parliament applies for one of the sinecure offices of the Crown Steward and Bailiff of the Chiltern Hundreds and of the Manor of Northstead, which disqualifies a Member from the House of Commons and is a means by which a Member may “resign” their seat during the lifetime of a Parliament. Given the lack of clarity over the original policy intention behind these provisions, it would be very helpful if views could be welcomed from members of the Committee and stakeholders as part of the pre-legislative scrutiny process on whether a change is merited on this issue so that the Act covers all types of vacancy that may arise, but which are not currently covered.

8. In publishing this draft legislation for pre-legislative scrutiny we look forward to the Political and Constitutional Reform Committee’s Report later this year.

September 2011
