



House of Commons
Political and Constitutional
Reform Committee

Individual Electoral Registration and Electoral Administration

Tenth Report of Session 2010–12

Volume II

Additional written evidence

*Ordered by the House of Commons
to be published 8, 13, and 15 September and 13 October 2011*

The Political and Constitutional Reform Committee

The Political and Constitutional Reform Committee is appointed by the House of Commons to consider political and constitutional reform.

Current membership

Mr Graham Allen MP (*Labour, Nottingham North*) (*Chair*)
Mr Christopher Chope MP (*Conservative, Christchurch*)
Sheila Gilmore MP (*Labour, Edinburgh East*)
Andrew Griffiths MP (*Conservative, Burton*)
Fabian Hamilton MP, (*Labour, Leeds North East*)
Simon Hart MP (*Conservative, Carmarthen West and South Pembrokeshire*)
Tristram Hunt MP (*Labour, Stoke on Trent Central*)
Mrs Eleanor Laing MP (*Conservative, Epping Forest*)
Yasmin Qureshi MP (*Labour, Bolton South East*)
Mr Andrew Turner MP (*Conservative, Isle of Wight*)
Stephen Williams MP (*Liberal Democrat, Bristol West*)

Powers

The Committee's powers are set out in House of Commons Standing Orders, principally in Temporary Standing Order (Political and Constitutional Reform Committee). These are available on the Internet via <http://www.publications.parliament.uk/pa/cm/cmstords.htm>.

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/pcrc. A list of Reports of the Committee in the present Parliament is at the back of this volume.

The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some or all written evidence are available in a printed volume.

Additional written evidence may be published on the internet only.

Committee staff

The current staff of the Committee are Steven Mark (Clerk), Hannah Stewart (Legal Specialist), Lorna Horton (Inquiry Manager), Louise Glen (Senior Committee Assistant), Annabel Goddard (Committee Assistant) and Rebecca Jones (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Political and Constitutional Reform Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 6287; the Committee's email address is pcrc@parliament.uk.



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

Written evidence

Written evidence submitted by Dr Scott Orford*, Professor Colin Rallings**and Professor Michael Thrasher**

* Wales Institute of Social and Economic Research, Data and Methods (WISERD), Cardiff University

** Directors, Elections Centre, Plymouth University

EXECUTIVE SUMMARY

1. This evidence specifically relates to the Committee's work in relation to the reviews of polling places. It urges the Committee to consider not simply the important issue of accessibility in terms of physical access to the polling station by disabled people but also accessibility in terms of distance to travel by all electors in a polling district.

2. Distance to travel to vote affects turnout, especially in lower-salience elections such as those to the European Parliament and local council elections.

3. The Electoral Commission's good practice guidance manual for Returning Officers managing local government elections acknowledges the importance of distance to polling stations for all elections. Our research that examines voter turnout at polling stations in the London borough of Brent since the late 1970s supports this.

4. Polling districts with longer average road distances between postcodes of where the electorate live and the polling station tend to have lower turnout than districts with shorter average distances. This condition holds after social factors such as deprivation are taken into account.

5. The impact of distance travelled to the polling station varies with the type of election. The largest impact occurs in European elections, with voter drop-off occurring after 500 metres from the polling station. For local elections voter drop off occurs at around 600 metres. Distance has little influence on general election turnout.

6. The impact of distance to polling station is increasing. In the late 1970s, distance only had a marginal affect in European elections but since then this affect has not only become larger but has also become influential in local elections.

7. In the early 1990s, voter turnout was roughly the same in local and European elections for similar distances from the polling station, everything else being equal. By the late 1990s turnout to local elections had become larger, by an average of three percentage points, than that for European elections for voters travelling the same distances.

8. Voter turnout to European elections is sensitive to terrain over the same time period, with a drop in turnout of 4.8% for every 10 metre difference in height between where a voter lives and the location of the polling station for the election in the late 1990s, an increase from 3.6% in the early 1990s.

9. Similar research conducted in the US supports the UK research findings and describes the extent to which electors are becoming more sensitive to distance to travel to polling stations.

10. In particular voters are becoming sensitive to polling station re-location. The 2003 California recall election shows that consolidation of polling places in some areas had a negative impact on turnout. In Brent we demonstrate that by moving a polling station from its present location to another location that represented the maximum density of voters in the polling district, turnout could be increased by up to 5%.

WRITTEN EVIDENCE

11. This is written evidence for the Political and Constitutional Reform Committee regarding the draft legislation relating to electoral timetables, polling place reviews and the use of emblems on ballot papers (Standard Note: SN/PC/06055).

12. In particular, it is a response to the Electoral Administration Act 2006 and the duty for local authorities to review polling places every four years to ensure the improvement of accessibility of polling stations for disabled people. The draft clause in SN/PC/06055 concerns the timing of the reviews of polling places and changes this to every five years in light of the provisions of the Fixed-term Parliaments Bill.

13. We recommend, however, an additional draft clause that these reviews also take into consideration the accessibility of the polling station in terms of distance travelled to vote by all the electorate in the polling district and not simply cast accessibility in terms of physical access to the polling station by disabled people.

14. This is because the distance a person has to travel to vote can affect their propensity to do so, especially in lower-salience elections such as those to the European Parliament and local council elections.

15. The Electoral Commission's good practice guidance manual for Returning Officers managing local government elections in England and Wales acknowledges the importance of accessibility in terms of distance to polling stations for all elections.

16. Part B of the manual—preparing for an election—states in paragraph 5.14:

“The location of the building is important when considering whether or not it should be used as a polling station. If possible, it needs to be close to where voters live and to be fully accessible. Questions to ask are: is it located close to where most of the electors in the polling district live? Is it at the top or bottom of a steep hill? Does it have suitable access from a road? If there is a pavement, does it have a dropped kerb close by? Are there any convenient public transport links?” (The Electoral Commission (2007): *Managing a local government election in England and Wales: guidance for Returning Officers—a good practice guidance manual*, Part B, Page 25; added emphasis)

17. The Electoral Commission’s good practice guidance is supported by our own work in the London Borough of Brent for elections between the late 1970s and 2001 (Orford *et al.*, 2009; Orford *et al.*, 2011). This research reveals that voters are very sensitive to accessibility to the polling station and those voting in person will, for example, factor in costs associated with the distance to travel and the estimated journey time.

18. We have shown that polling districts with longer average road distances between the postcodes of where the electorate live and the polling station where they cast their vote tend to have lower turnout than districts with shorter average distances, and this condition holds after social factors such as deprivation are taken into account. A similar result occurs when average road distance is substituted for postcode density within polling districts. In extreme cases, even marginal changes to the distance travelled and time taken to vote can make a difference—distances travelled to vote in the Brent example ranged from almost nothing to two kilometres.

19. Our work also shows that the impact of distance travelled to the polling station varied depending upon the type of election. The largest impact occurred in lower-salience European elections, with voter drop-off occurring after 500 metres from the polling station; this occurred at 600 metres for local elections. Distance travelled had very little influence on turnout to Parliamentary elections.

20. The impact of distance to polling station is becoming more important in recent years. In the late 1970s, distance only had a marginal affect in European elections but since then this affect has not only become larger but has also become influential in local elections. In the early 1990s, voter turnout was roughly the same in local and European elections for similar distances from the polling station, everything else being equal, but by the late 1990s turnout to local elections had become larger, by an average of three percentage points, than that for European elections for voters travelling the same distances.

21. In addition, voter turnout to European elections was becoming sensitive to terrain over the same time period, with a drop in turnout of 4.8% for every 10 metre difference in height between where a voter lives and the location of the polling station for the election in the late 1990s, an increase from 3.6% in the early 1990s.

22. Research in the U.S. reveals comparable findings to those in the UK. Work by Gimpel and Schuknecht (2003) shows that, other things being equal, the perceived costs of travelling longer distances to vote are far greater in higher-density urban areas than in suburban and rural areas where traffic congestion is lower and people expect to travel longer distances in order to carry out daily activities. Haspel and Knotts (2005) demonstrate that voters are sensitive to even small differences in distance travelled.

23. Further confirmation of sensitivity to polling place location comes from a study of the 2003 California recall election (Brady and McNulty 2005), which found that the consolidation of polling places in some areas had a negative impact on turnout; for some electors the disruption to their voting routine and the additional travelling costs proved a sufficient disincentive to voting.

24. In our work in Brent (Orford *et al.*, 2011) we demonstrate that by moving a polling station from its present location to another location that represented the maximum density of voters in the polling district, turnout could be increased by up to 5%. Hence, even subtle changes in electoral procedure and their effect on aggregate levels of turnout merely serve to emphasise the importance of the perceived costs of voting and the sensitivity of voters to this in terms of the decision to vote.

25. Although our work is based on ecological rather than individual level voting data, these results nonetheless give support for the contention that accessibility in terms of distance travelled to vote matters and it matters more at low salience, second order local and European elections and is becoming more important.

26. Reasons for the increasing importance of distance may reflect the increased time pressures faced by prospective voters, such as longer commuting time and changing work and home commitments, meaning that the costs of voting have become more significant. Hence, while it is clear that social factors continue to be important for the explanation of turnout, it is also apparent that electors are engaging in more assessment of the costs and benefits of voting (Blais 2000).

27. Of course, we should be cautious when making generalisations from a single case study based within a London borough. Clearly, more research is needed that, ideally, should include areas that are geographically different.

28. Such research should address some crucial questions. Are electors that reside in less densely populated areas (where polling stations may be further apart) more or less sensitive to distance from polling station than their urban neighbours? Is there a tipping point where the distance to travel rules out the probability of walking and what, if any, is the subsequent effect on participation.

29. It is time that more attention is given towards facilitating voting by a more strategic approach to the siting of polling stations. Given the increased emphasis in local authority guidance on improving accessibility and reducing distances travelled to vote, we would argue that a better understanding of how turnout is affected by the location of polling stations should feature in the five year polling place review.

REFERENCES

- Blais, A (2000): *To vote or not to vote?* University of Pittsburgh Press, Pittsburgh
- Brady, H E and McNulty, J E (2005): The costs of voting: evidence from a natural experiment *Annual Meeting of the Midwest Political Science Association Chicago 4–6 March 2005*
- Gimpel, J G and Schuknecht, J E (2003): Political participation and the accessibility of the ballot box, *Political Geography* 22 471–88
- Haspel, M and Knotts, G (2005): Location, location, location: precinct placement and the costs of voting, *Journal of Politics* 67 560–73
- Orford, S Rallings C, Thrasher M and Borisjuk, G (2011). Changes in the probability of voter turnout when re-siting polling stations: a case study in Brent, UK, *Environment and Planning C, Government and Policy*, 29, pp. 149–169
- Orford, S Rallings C, Thrasher M and Borisjuk, G (2009). Electoral Salience and the Costs of Voting at National, Sub-National and Supra-National Elections in the UK: a case study of Brent, UK *Transactions of the Institute of British Geographers*, 34, pp. 195–214
- The Electoral Commission (2007): *Managing a local government election in England and Wales: guidance for Returning Officers—a good practice guidance manual*. The Electoral Commission, London
September 2011

Written evidence submitted by Bristol City Council

1. We are writing in full support of the proposed draft electoral administrative provision presented to Parliament in July 2011.
2. The current position where Electoral Services teams could have to deliver the complex parliamentary election event at 17 working days notice, is an almost impossible task.
3. A parliamentary election is an extremely detailed, precise event with a timetable containing absolute deadlines. For the Bristol electorate of approximately 310,000, we employ 1,000 election day staff, run 156 polling stations, and run four major counts. We plan to be in a constant state of readiness however an extension of the timetable to 25 working days would be very welcome, and would significantly reduce risk. We would also welcome any further extension.
4. We therefore also fully support the proposals to:
 - Adjust a number of deadlines within the timetable, in particular the date for delivery of nominations.
 - Allow more time for the postal vote process.
 - Extend the electoral timetable for UK parliamentary by elections:
 - Polling day to take place between 17 and 19 rather than nine and 11 working days after the last day for delivery of nomination papers.
 - This extended timetable also allows for polling day to be set for a Thursday.
 - Extend the timetable for polls which are re-run due to the death of a candidate.
 - The fresh poll will take place between 21 and 27 rather than 15 and 19 working days after the day on which the election writ is taken to have been received.
5. We support the proposals of altering registers pending elections ie people applying to be added to the register of electors, close to the registration deadline prior to an election. We understand that the changes will enable more postal ballot papers for those people to be issued earlier, ie closer to the days when other postal vote ballot papers are issued for those already on the register.
6. We also support the proposals to make changes to the timing of polling place, and polling district reviews to bring them into line with five year fixed term Parliaments with the compulsory review periods. We do as a matter of practice carry out mini reviews following each election. However major reviews require a significant input of Electoral Services time and must be programmed carefully to avoid impacting on major events such as the annual canvass and elections.
7. Our own experience of candidates demonstrates that some are members of more than one registered political party. It seems eminently sensible that at UK Parliamentary elections where candidates are jointly

nominated by two or more registered political parties that they be allowed to use on the ballot paper an emblem registered by one of the nominating parties.

September 2011

**Written evidence submitted by Dr Toby S James, Department of Political and Cultural Studies,
Swansea University**

EXECUTIVE SUMMARY

1. The Government has recently published proposals to reform election administration in Britain (Deputy Prime Minister, 2011). There are numerous changes in the proposals but the principal ones are the introduction of *individual electoral registration* (hereafter “IER”) and *voluntary electoral registration*.

2. This briefing aims to map out the likely impact that IER might have. It does so by noting some of the findings of published research on election administration but also draws from interview evidence that the author has collected as part of an ongoing research project on election administration.

3. IER would be one of the most significant changes to election administration that Britain has seen since becoming a democracy. It will force electoral administrators to undertake significant and costly administrative changes. At a time when a number of other changes are being made to electoral law in the UK, and local government budgets are being cut, there are concerns about the funding of elections.

4. Levels of registration in the UK have been in decline for some years (Electoral Commission, 2010b). The paper suggests that IER is very likely to accelerate this decline. Although it is not considered in depth in this briefing, it is anticipated that voluntary registration is also likely to reduce the numbers on the electoral register.

5. If IER is to be introduced then it is recommended that:

- The long-term funding of election administration is duly considered, given the context of local government cuts.
- Other provisions should be put in place to boost voter registration such as enabling voter registration when citizens access other government services. Lessons can be drawn from overseas innovations.
- Issues of voter accessibility are fully considered.
- The views of citizens towards the registration process should be carefully monitored towards the registration process once during and after the implementation of IER.

CONTEXT: CHANGE IN UK ELECTION ADMINISTRATION

6. There have been very few changes to electoral registration in the UK until recently. Electoral registration has been the responsibility of local government since the Representation of the People Act 1918. The Electoral Registers Act 1949 made persons of age between November and June each year to be included in the electoral register. Electoral registration has largely been unchanged until the turn of the century.

7. New Labour undertook an electoral modernisation programme while in office but most of the changes related to the procedures for casting a vote. The Representation of the People Act 2000 introduced continuous rather than annual registration, provisions for the homeless, citizens in psychiatric wards and remand prisoners to be included onto the register. The Electoral Administration Act 2006 introduced performance standards for local authorities and placed a legal requirement for them to undertake door-knocking as part of the annual canvass. The aim was on improving registration rates and targeting “democracy deserts” (James, 2010b, 2011).

8. There is strong support for individual registration from many organisations. The Electoral Commission has supported Individual Registration since 2003 (Electoral Commission, 2003). The “Birmingham case” in 2004, when election court uncovered fraud in local elections in two wards, led to even greater calls for its introduction (Stewart, 2006). These have come from The Committee of the Office of the Deputy Prime Minister (2004), The Office for Democratic Institutions and Human Rights (2005: 1), the Committee for Standards in Public Life (2007: 6–7), and the Association of Electoral Administrators (2010).

9. The Labour Government was initially resistant to this because it was concerned about the effect that this might have on the electoral register. However, political concerns were also important because there is evidence that they thought that it would be their voters that would be more likely to drop off the register (James, 2010b).

DIAGNOSING PROBLEMS WITH BRITISH ELECTION ADMINISTRATION

10. One of the stated objectives of individual registration is concerns about fraud. According to the White Paper “In the past decade there have been abuses of this system which have shaken the public’s confidence in the security of our elections” (Deputy Prime Minister, 2011: 5).

11. There have been some cases of high profile fraud, notably in Birmingham in 2004. Stuart Wilks-Heeg has provided detailed data on levels of convictions in the UK (Wilks-Heeg, 2008).

12. However, levels of voter fraud are ultimately unknown because of the problems involved in measuring them. As prominent American scholars Michael Alvarez et al. put it:

“...are fraud accusations like airplane crashes—infrequent but focusing events that we remember; or are accusations of fraud more like car accidents, events that occur frequently but where only the most dramatic make the news?” (Alvarez, Hall, & Hyde, 2008: 10)

13. A recent study of voter fraud in the US has shown that while there are many allegations of fraud, often these are without evidence and politically constructed (Minnite, 2010).

14. There have been concerns about the way in which elections have been administered but these do not principally relate to fraud. The most famous cases of problems were reported in the Scottish 2007 elections (Denver, Johns, & Carmen, 2009) and the UK General Election 2010 (Electoral Commission, 2010a). Analysis of these elections pinpointed the degree of complexity in electoral law, the number of simultaneous elections and poor ballot design by election officials as sources of problems (also see: Association of Electoral Administrators, 2011; Gould, 2007).

15. Research has identified a long term decline in registration rates in the UK. This was about 95% of the voting age population in the 1950s and 1960s. Estimates based on Census records suggest that the completeness of the registers was at 93.5% in 1980, 91–3% in 1990 and 91–2% in 2000 (Electoral Commission, 2010b: 1–2).

16. There are therefore other pressing problems facing British elections in addition to fraud and perceptions of fraud.

ELECTION ADMINISTRATION, REGISTRATION AND TURNOUT: THE EXISTING SCIENTIFIC KNOWLEDGE

17. It is well established in the political science literature that different forms of election administration can affect voter participation. There is a plethora of studies from political scientists in the U.S. dating back to at least the 1930s (Harris, 1934), but this research has accelerated over the last thirty years, especially since the U.S. 2000 Presidential election.

18. This often deploys a rational choice logic that some forms of election administration create barriers to participation by increasing the “costs” of registering to vote and casting a vote. Individuals will be more likely to register to vote and cast their ballot when it is more convenient to do so (Wolfinger & Rosenstone, 1980).

19. Research has differentiated between procedures which are “expansive” ie increase participation and those which are “restrictive” i.e. reduce participation. I have recently developed a continuum which categorises each of the procedures according to scientific research (Table 1).

Table 1

A CONTINUUM OF REGISTRATION PROCEDURES BASED ON THEIR EFFECTS ON ELECTORAL TURNOUT, ADAPTED FROM JAMES (2010A: 378–380)

Restrictive		←—————→			Expansive	
<i>Major restrictive effect</i>	<i>Minor restrictive effect</i>	<i>Marginal restrictive effect</i>	<i>Neutral</i>	<i>Marginal expansive effect</i>	<i>Minor expansive effect</i>	<i>Major expansive effect</i>
Poll taxes.	Excessively early registration deadlines.	Annual updates to the register.	15 day registration deadline.	Registration office opens at weekends.	No registration requirements.	
Literacy tests.	Voluntary registration.	Annual purges of the canvass.	Compulsory registration.	Registration possible in public service agencies and “Motor voter” schemes.		
	Infrequent updates to the register.	Purge of non-voters.	Continuous updates to the register.	House to House enquiries.		
	Individual registration.		Household registration.	Online / mail / phone return of registration form.		
			Citizen’s responsibility to register.	State responsibility to register.		

20. Individual registration is currently categorised as a restrictive procedure, although the evidence base upon which this placed is limited. Most countries operate individual rather than household registration so there have been few opportunities for researchers to assess the effects of the change from one to the other. Inferences are therefore taken from the experience in Northern Ireland.

21. Individual registration was introduced in Northern Ireland after the Electoral Fraud (Northern Ireland) Act 2002. The same legislation simultaneously ended the annual carry forward of names of individuals who did not register each year. Photographic identification was also introduced.

22. There was an immediate drop in the register from 1,192,136 to 1,072,346—a “loss” of 119,790 names or approximately 10% of the electorate—and a registration rate of 86%. By the third register, published in September 2004, 1,075,439 names were included—just 82% of the eligible population (Price-Waterhouse Coopers, 2006: 3–4) (see Figure 1 below).

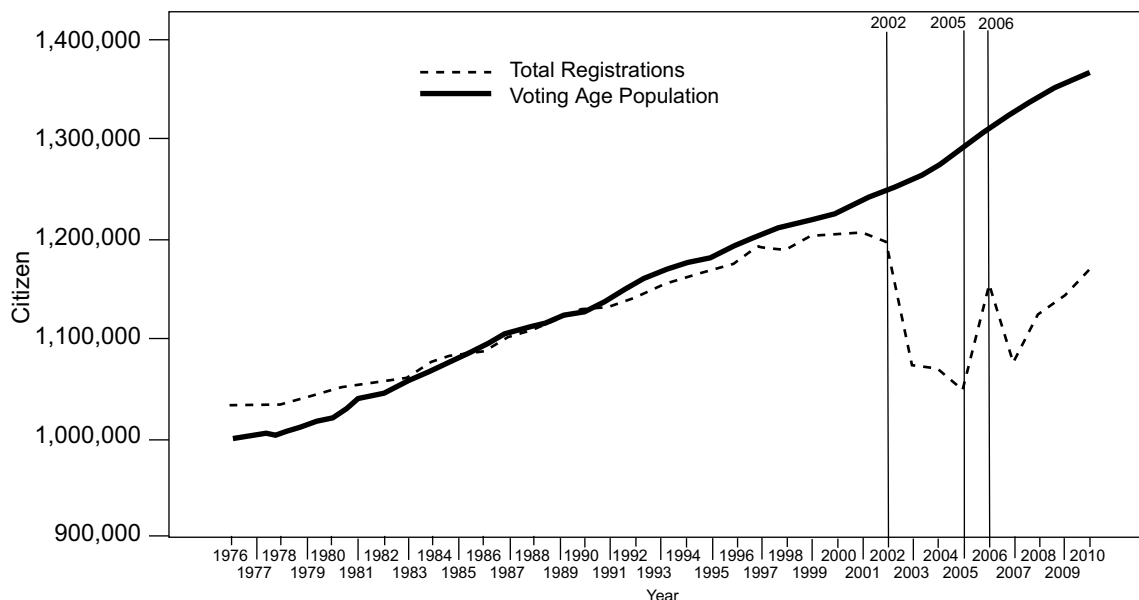
23. Registration rates subsequently improved after countervailing expansive provisions were introduced. The Electoral Registration (Northern Ireland) Act 2005 gave the Government the power to temporarily reinstate names on the register. The Northern Ireland (Miscellaneous Provisions) Act 2006 ended the need for citizens to re-register each year.

24. Multiple simultaneous changes make scientific analysis of the effects very difficult. There have been many different interpretations about whether the reduced numbers reflected “real” people or not. However, it is very likely that individual registration leads to lower registration rates than household registration.

25. If individual registration is implemented, there are a range of other procedures that could be introduced using the continuum to offset a decline in registration levels. These would include making online registration possible, which is proposed in the White Paper. It could also include making registration possible when citizens access other government services and contact other agencies. The National Voter Registration Act was introduced in the U.S. in 1993 to enable all citizens to register to vote when they applied for a driving licence and this now accounts for a substantial amount of registrations in most states. Registration could also be made possible when citizens pay council tax bills, visit Job Centres or access other services.

Figure 1

REGISTRATIONS AND VOTING AGE POPULATION IN NORTHERN IRELAND 1976–2010.
 SOURCES: REGISTRATION DATA FROM EONI (2011); VAP CALCULATED FROM NISRA (2011)



THE VIEWS OF LOCAL ELECTION OFFICIALS ON THE IMPLEMENTATION OF INDIVIDUAL REGISTRATION

26. I am undertaking a research project on the impact of performance standards on election administration in the UK. At the time of writing, I have interviewed 33 senior elections staff across 18 local authorities in England and Wales and intend to interview staff in further authorities during 2011.¹ These are typically the Returning Officers, Electoral Registration Officers, Democratic Service Managers and Electoral Services Managers. The latter have comprehensive experience in managing the canvassers who collect registration information and managing teams who input the forms into databases.

27. As U.S. academics Donald P. Moynihan and Carol L. Silva note, of U.S. electoral administrators:

“our knowledge on the views of LEOs [local election officials] remains impoverished. LEOs are the administrators of democracy. Their actions can disenfranchise voters, subvert the political process, and damage public confidence in democracy....[there is a].. need to understand LEO attitudes toward election administration and reform, as this knowledge can help explain election outcomes and the success of mandates for change” (Moynihan & Silva, 2008: 817)

¹ This research is generously funded by the Nuffield Foundation and McDougall Trust. Further information about the project is available here: http://www.tobysjames.com/election_laws_1.html and <http://www.swan.ac.uk/artsandhumanities/riah/videos/drtobysjames/>

28. Their views are also significant because academic literature from public administration suggests that “top-down” implementation of policies can often face implementation problems and unforeseen consequences.

29. Many of the LEOs suggested that they were supportive of the idea of individual registration. Some thought that it would help to alleviate concerns about electoral fraud, as proposed. According to one:

“I think something needs to be done to reassure the electorate that there is some form of double-checking that, you know, everybody needs to produce a PIN number or a signature for most things they do nowadays so, perhaps that’s what will reassure—put a bit more confidence back in the system.”

Others suggested that it was necessary modernisation of procedures that were now out of date. IER was described as “overdue” and HER as outdated. According to one LEO:

“This idea of a household form is from a very, very old fashioned time when the head of the household filled the form in. So, from that point of view I think it’s great.”

According to another:

“Britain is way behind the rest of world. It’s archaic that you have household registration.”

30. However, three clusters of concerns or arguments against it were raised.² The first theme of concerns was about the costs and administrative burdens that they thought would fall on local government because of IER.

“I think the biggest concern now is that all that it’s doing is adding to the bureaucracy... Because with the annual canvass, you could do it by household, with individual registration, you’ve got almost, you know, for every single person some sort of contact with them. For us, all we can see is almost all the costs, you know, in monetary terms, and also how we’re going to be managing the systems ourselves, and we’re going to have to put extra resources in to managing all this....”

Some therefore expressed concerns that they might need additional canvassers and that every visit to households would take longer because of the need to complete a form for each person. One local authority expected that their staff would need to double to deal with the implementation. The Government’s White Paper proposes paying for the introduction of IER but LEOs expressed concern for how long this money would be available for and whether it would in practice cover the whole cost to the authority of the implementation. Moreover, they expressed concerns that IER was being implemented at a time when funding to local government was being by central government and departments were asked to make savings. Election budgets are not ring-fenced. According to one respondent:

“We are in a world where we have got no money and they are acting as if it is endless.”

According to another:

“I tried to persuade them [the Council] the other day that we needed an extra member of staff. When everywhere else is shrinking here is an area that is expanding and could well expand with individual registration.”

31. Related to this, concerns were expressed about late implementation. Electoral administrators have often complained that they have been put under undue pressure because of the late passage of legislation (Association of Electoral Administrators, 2011). Fears were concerned that the same could happen with individual registration. According to one participant:

“I think it’ll be a very big change to manage, and we need very clear guidance and plenty of time to get it up and running, and not it all to be left to the last minute, because that’s my concern.”

32. A second theme of concerns reported by LEOs was about data quality. This may make IER difficult to administer because it might cause costs to increase and might even cause voter disenfranchisement in some cases. On the one hand the public were often prone to make errors on their forms. One LEO worked in an authority that had piloted internet voting and reported that some citizens, especially the elderly, found difficulty in providing key identifiers that were necessary for the system to work. According to her:

“[individual registration] is designed by these intelligent people who don’t realise how daft some of the members of the public can be. It’s a lovely idea but when I was in xxxx ... [we had to] get them to supply their national insurance number. We had one woman every year would give you her national insurance number. Every year you’d write to her and say “That’s not your national insurance number.” It turned out it was her gas mask number from the war and she was convinced that was her national insurance number and there’s no way you could get any other number out of her.”

33. The Electoral Administration Act 2006 required those applying for postal votes to supply a signature and their date of birth as personal identifiers. However, a number of LEOs reported that the date of births did not always match. This forced them to have to interpret whether the application was valid or not. One LEO described their predicament:

“On postal votes the number of people that don’t know their date of birth, you wouldn’t believe it actually. We don’t reject them all because the legislation actually says “If you’re satisfied that it’s that person....” So you look at it and you think “Oh the signature’s the same, the writing or the numbers look similar,

² LEOs sometimes expressed concern about individual registration in general before the White Paper was published.

alright this one's five years out, that one's a month out, that one's got something completely different." If it's completely different you think "Yes, you know, you can't change from 2 October to 27 April."

34. This highlights the importance of clear and consistent guidance for LEOs about when an application should be included or not. Much of the controversy in the U.S. Presidential election centred on whether the "clear intent of the voter" was clear and the inconsistent way in which different officials applied different standards.

35. Data quality issues may also arise because of data conflicts between different government information systems, LEOs thought. This might be the case when names had been inputted by an administrator who was unfamiliar with a name because it came from a different community.

"if somebody's name's, let's say me for example, my name is spelt, first name is with a K with the national insurance people and if I'm getting benefits with the WDP, you know, it's with a Q and when [Council A] collects that information "Oh they are two different people." Are you with me, they will have to do more investigation. These are the same person, you'll have to write to the person and stuff like that at the moment it's being discovered. So having a long discussion with [x] this week I think we both came to the conclusion that we would probably end up with six or seven records for each person in the Borough."

36. One LEO therefore claimed that the key strategic problem task was deciding which unique identifier should be used for IER:

"What's the unique identifier because I think it comes absolutely for me to that issue. Do you use NI numbers for instance as the kind of identifier for people's individual registration ID or do you use NHS numbers which are a bit more secure and less in circulation and less fraudulent than NI numbers are in practice? Or do you introduce something else? Do you use passport number? There's a whole host of identifiers and we've got to get to the bottom of that really before we then can build up a system that uses that as its prime currency, that's secure, that's trusted, and that engages with other government systems, various guises, and I see that as the fulcrum of the ability to introduce individual registration actively and securely."

37. A third theme of concern raised in the interviews was the impact that IER would have on levels of registration. Many LEOs described problems with apathy amongst the electorate. They suggested that IER would impose an additional administrative burden on citizens which would further discourage prospective registrants:

"Well the likelihood is that the registration rate will take a nosedive ...I've already mentioned about the apathy which surrounds elections and the difficulty of getting people to return the forms, at the moment we're only trying to get one form per household, in the future we're going to try and get in every individual within that household to return a separate form so I think the problems will be amplified and that the registration rate will nosedive."

"We've got the prospect of individual registration on the horizon. I'm not sure that's a good thing, because I want to see electors registered and I don't want to do anything that will put them off doing so and I'm a bit concerned that what's been proposed, if it actually comes to fruition, will put people off registering. People want things easy these days, you know, they don't want life complicated, and asking for their national insurance number is going to complicate things."

"It would be a shame if we end up with registration [levels] personally affected. I think we can't put the voter off. The voter's got to find whatever system's got to be easy, quick, that's what modern life's about, isn't it, people only do things if it's easy and quick."

38. Some LEOs pinpointed the young and students as groups where registration levels would drop the most.

"I think it's going to be very, very difficult to collect the information from all these people. I've got a 17 year old son, I can't imagine he's going to be the least bit interested in filling in a registration form to be honest. I think this voluntary element is going to mean that registration levels will drop."

"[I]f the parent doesn't put that young person's name on the form we won't get that young person on there. And I think we're going to lose a large chunk of registration. I think we are unless it becomes compulsory or unless they begin to register from 16 onward and allow the vote from 16 onward."

"[P]ersonally I think we will see a dip in registration. It's going to be harder to get registrations. For instance, students, who aren't always living at home, they may be living away. At the moment, the present system is, you know, the mother or father can register for them, but actually trying to capture them on an individual registration is going to be quite difficult for ourselves, and there's quite a lot of logistical problems that we're going to face on that, I think."

39. Other LEOs suggested that IER may raise accessibility issues for non-English speaking citizens and argued that it needs to be implemented in a way that supports qualities. Under HER, co-habitant may help them with their form and this might make registration easier:

"We have got some issues in the sense that we have got quite a large black minority ethnic community, big chunks of which are not necessarily culturally attuned to the life in the UK. Many of whom don't speak English as their first language; those are all a whole host of barriers that you need to get across."

It is going to be made worse with individual registration although there are some benefits to individual registration which are around postal vote fraud.”

One LEO suggested that some citizens may not be comfortable providing confidential data on the doorstep to canvassers because citizens may find canvassing for such detailed information intrusive:

“If they haven’t responded, do you get their National Insurance number off them on the door step with their date of birth? A lot of people are going to say, “I’m not going to give you my...” Somebody that’s just called round to the door; “What’s your National Insurance number, what’s your date of birth?”

40. One final strand to this theme was a concern that the new procedures may take time to embed in. According to one LEO:

“it will take time for people to understand the difference and how to in fact do it.”

CONCLUSIONS AND RECOMMENDATIONS:

41. This briefing has considered the likely impact of IER on British elections. It has drawn from some recently published research and interviews with LEOs.

42. The published research on election administration suggests that registration levels and voting turnout decline when additional administrative burdens are placed on citizens. This and the experience from Northern Ireland firmly suggest that there will be a decline in registration levels if IER is introduced. This would accelerate the declining rates of registration in the UK.

43. The interviews illustrate LEO views on IER and locate some possible implementation problems and effects on British elections. There is some support for the principle of IER amongst LEOs. However, there are three core concerns about its implementation.

44. Firstly, they perceive it to involve additional costs and administrative burdens. The proposals come at a time when local government budgets are being cut and election resources are not ring-fenced. **Measures should be put in place to ensure sufficient long-term funding of elections.**

45. Secondly, they expect data quality to be a key issue. The Government is already undertaking data-matching projects and the results of these should be carefully considered.

46. Thirdly, they expect registration levels to decline, especially amongst the young. Concerns about electoral participation have been frequently expressed in the UK, especially amongst this group (Tongue, 2009). If IER is introduced into the UK then there are strong arguments for monitoring registration levels closely. **It may be necessary to offset the effects of IER with other expansive methods of voter registration perhaps drawing from overseas experience.**

47. The data-matching pilots may make it easier to target those citizens who are not registered. However, it may also discourage citizens from registering to vote if they think that their name on the register will be used for other purposes. **The views of citizens towards the registration process should be carefully monitored towards the registration process through survey research once during and after the implementation of IER.**

48. The Coalition has introduced many other changes to elections in the UK. The Parliamentary Voting System and Constituencies Act, 2011 Act will require the re-drawing of all constituencies based on the number of citizens within a district. This is enormous change by itself. However, if registration levels are altered by the introduction of individual registration then this process may have to be undertaken again when the size of the new electorate is known. The 2020 general election will have a different map to 2015. The Coalition also proposes to introduce elections for Police Commissioners. This too will involve significant work and change. Overall, there is a risk of administrative overload.

Toby S James is a Lecturer in the Department of Political and Cultural Studies at Swansea University. He completed a PhD on election administration at University of York and was previously a British Research Council Scholar the Library of Congress, Washington D.C. He has recently published articles on election administration in journals such as *Election Law Journal*, *British Politics*, *Contemporary Politics* and *Political Studies Review*. He is writing a book on election administration that will be published with Palgrave Macmillan.

REFERENCES

Alvarez, R M, Hall, T E, & Hyde, S D (2008). Introduction. In M Alvarez, T E Hall & S D Hyde (Eds.), *Election Fraud*. Washington D.C.: Brookings Press.

Association of Electoral Administrators. (2010). *Press Release—Individual electoral registration*. Association of Electoral Administrators.

Association of Electoral Administrators. (2011). *The administration of the referendums and elections across the UK in 2011*. Norwich: Association of Electoral Administrators.,

Committee on Standards in Public Life. (2007). *Eleventh Report of the Committee on Standards in Public Life: Review of The Electoral Commission*. London: HMSO.

Denver, D, Johns, R, & Carmen, C (2009). Rejected ballot papers in the 2007 Scottish Parliament election: The voters' perspective. *British Politics*, 4(1), 3–21.

Deputy Prime Minister. (2011). *Individual Electoral Registration*. London.

Electoral Commission. (2003). *Voting for Change*. London.

Electoral Commission. (2010a). *2010 UK Parliamentary general election Interim report: review of problems at polling stations at close of poll on 6 May 2010*. London: Electoral Commission.

Electoral Commission. (2010b). *The completeness and accuracy of electoral registers in Great Britain*. London: Electoral Commission.

EONI. (2011). Northern Ireland Electorate Statistics—1976 onwards. Retrieved 17 August 2011, 2011, from <http://www.eoni.org.uk/index/statistics/electorate-statistics.htm>

Gould, R (2007). *Independent review of the Scottish Parliamentary and local government elections* Edinburgh: Electoral Commission.

Harris, J P (1934). *Election Administration in the U.S.* Menasha, Wisconsin: George Banta Publishing Company.

James, T S (2010a). Electoral Administration and Voter Turnout: Towards an International Public Policy Continuum. *Representation*, 45(4), 369–389.

James, T S (2010b). Electoral modernisation or elite statecraft? Electoral administration in the U.K. 1997–2007. *British Politics*, 5(2), 179–201.

James, T S (2011). “Fewer costs,” more votes? UK Innovations in Electoral Administration 2000–07 and their effect on voter turnout”. *Election Law Journal*, 10(1), 37–52.

Minnite, L C (2010). *The Myth of Voter Fraud*. Cornell University Press: Ithaca, New York.

Moynihan, D P, & Silva, C L (2008). The Administrators of Democracy: A Research Note on Local Election Officials. *Public Administration Review*, 68(5), 816–827.

NISRA. (2011). Mid-Year Population Estimates. Retrieved 17 August 2011, 2011, from <http://www.nisra.gov.uk/demography/default.asp17.htm>

Office for Democratic Institutions and Human Rights. (2005). *United Kingdom of Great Britain and Northern Ireland General Election 2005 Assessment Mission Report*. Warsaw.

Office of the Deputy Prime Minister. (2004). *Seventh Report of Session 2003–04: Postal Voting* London: ODPM: Housing, Planning, Local Government and the Regions Committee.

Price-Waterhouse Coopers. (2006). *The Electoral Commission in Northern Ireland: Component of Change in the 2005 Canvass*. Belfast: Pricewaterhouse-Coopers.

Stewart, J (2006). Contemporary Issues: A Banana Republic? The Investigation into Electoral Fraud by the Birmingham Election Court. *Parliamentary Affairs*, 59(4), 654–667.

Tongue, J (2009). Revitalising Politics: Engaging Young People. *Representation*, 45(3), 237–246.

Wilks-Heeg, S (2008). *Purity of Elections in the UK: Causes for Concern*. Liverpool: Joseph Rowntree Trust.

Wolfinger, R E, & Rosenstone, S J (1980). *Who Votes?* New Haven, CT: Yale University Press.

September 2011

Written evidence submitted by EURIM (The Information Society Alliance)

INTRODUCTION

1. EURIM (www.eurim.org.uk) is a cross-party, pan-industry policy research group concerned with the formation and scrutiny of legislation, regulation and government initiatives related to UK/EU competitiveness in the global information society and to the effective use of technology to serve society as a whole. It uses funding from its corporate and associate members to organise working groups of politicians, advisors, officials, industry, professional bodies, trade associations and interest groups. By seeking consensus and focusing on IT governance and security of information, EURIM's Information and Identity Governance Group fosters an understanding of, and highlights good practice in, information management across borders, regulations and cultures.

2. EURIM welcomes the work of the present and last governments in aiming for an improvement in the accuracy and completeness of the electoral rolls in the UK to increase registration and reduce fraud.

IMPLEMENTATION OF INDIVIDUAL ELECTORAL REGISTRATION—FINDINGS FROM OVERSEAS RESEARCH

3. We believe that the recent study on the mechanics of electoral registration systems overseas by a EURIM working group on Information Governance has important lessons for the UK regarding their use of technology and approaches towards the two key measures of an electoral register: completeness and accuracy.³ The report, *Implementation of Individual Electoral Registration—Findings from Overseas Research*, is available at: http://www.eurim.org.uk/activities/ig/1103-IVR_LessonsFromOverseas.pdf.

4. An A4 summary version with conclusions and recommendations is also available (http://www.eurim.org.uk/activities/ig/1103-IVR_LessonsFromOverseas_Summary.pdf), parts of this were referenced in the Standard Note entitled “Individual Voter Registration” issued by the House of Commons Library (<http://www.parliament.uk/briefing-papers/SN05995>).

5. EURIM’s main findings concern:

- the technical means of holding and transferring personal data between different authorities,
- how to transfer data securely,
- how to store data in a way consistent with privacy requirements,
- how current or emerging technology might help facilitate:
 - (i) individuals’ access to their electoral registration data;
 - (ii) the process of applying to be registered;
 - (iii) updating information (eg change of address);
 - (iv) ensuring information held by an Electoral Registration Officer is accurate.

6. Two distinct trends are discernible in the responses from overseas between those countries which treat the electoral register almost exclusively for electoral purposes (“Commonwealth” or “common law” heritage), and those that create a multi-purpose population register, either at national or municipal level (“continental” heritage).

7. All sampled common law and continental countries require proof of identity to register the voter; only the UK does not. However, only three out of seven sample countries require the voter to prove identity at the polling station. This may leave open the possibility of fraudulent voting by means of personation, where an individual is legitimately registered, but his or her vote is cast by an impostor.

8. Compulsory registration does not work unless underpinned by other processes: eg in Australia large numbers of voters may remain unregistered.

9. Countries that operate data matching to maintain a population register, to transfer data with other public bodies, or that allow citizens to view or amend their personal data, do so through secured systems.

CONCLUSIONS AND RECOMMENDATIONS

10. Compared with many countries, the UK’s system is overdue for an overhaul. Any system of electoral registration should ensure that all personal data is properly managed and protected, and must be practical, conducive to improvements in registration levels and accuracy, and consistent with UK political tradition and culture.

11. In the UK, no proof of identity is required for registration; the voter asserts his or her own identity and the name and address are checked off by polling station staff against the roll, increasing the risk of impersonation. However, balancing the need for ID verification (by data sharing and matching etc) with resistance to any kind of central database of personal information presents a significant challenge. This has implications for data retention where verification of identity is used to retrospectively check for fraud.

12. We note that HMG plans to support the roll out of other channels (eg telephone or online) for registration, and will explore the scope for integrating electoral registration into other services. When/if online registration is implemented, the use of digital certificates by a registering elector should be the norm.

13. Data matching or data sharing with other public bodies, online or offline, should be done securely, comply with data privacy laws, and be covered by formal agreements.

14. The Government should consider the advantages or otherwise of data matching with private sector databases.

15. For expatriate electors, the Government might consider using the Foreign and Commonwealth Office’s consular facilities to encourage and facilitate registration overseas.

16. ISO 27001 should be adopted in as an information security management system standard.

17. Key issues to be addressed include the timetable for change: concerns about technical issues include the funding of a new system with heavy transitional costs eg establishing the interface for access to DWP records

³ Accuracy refers to the registration being that of a true identity exercising a legitimate right to vote. Completeness refers to the register having on it the maximum number of eligible people in the district.

for the NINO. This is a major change that cannot be accomplished cheaply; central funding should be ring-fenced.

CURRENT AND FUTURE ACTIVITY

18. The EURIM members who organised the previous exercise are happy to consider undertaking further work in this area. For example, the Government has announced an interest in developing a market for competing service providers in this field, is keen to look at how IT and online processes can support the registration process, and how digital identity assurance might be used to verify an application to join the register. It has been suggested that it is possible to help drive efficiencies by linking programmes to encourage registration with transactions that update other publicly held personal information. The idea is superficially attractive but raises many issues, including of the “function creep” that has been a common problem with ID systems around the world, not just in the UK. It also raises issues of data and identity protection and governance that EURIM is addressing in other contexts with overlapping debates that our industry members wish to see joined up. The complexity of some of those debates are such that the benefits of any such linkage need to be carefully weighed against the risks, including of rising costs and delay.

19. EURIM met with Cabinet Office officials on 28 July 2011 to explore whether our members can provide industry assistance with data matching and established identity assurance systems for electoral registration in future. The private sector, not just the credit reference agencies but the financial sector data transfer and trust networks (designed to quantify and pre-define liabilities around the use of eIDs issued by trusted parties to end users and relied upon by other parties) together with the various fixed and mobile communications and online communities and their customer identification services, may be able to assist in improving the quality and integrity of the electoral register. They may also be able to advise on how to build secure and sustainable systems, ensure interoperable frameworks and standards, and promote rationalisation etc.

20. EURIM notes that while the Organisation for Security and Co-operation has recommended that “Consideration should be given to introducing an identification requirement for voters when applying for registration as a safeguard against fraudulent registration”, HMG’s current intention to remove the requirement for a signature in identity verification is necessary for multi-channel registration (eg telephone, online). HMG maintains that the requirement does not add any significant security to an application nor is there the facility to verify the authenticity of the signature. However the legislation retains the option for a signature to be prescribed in regulations. EURIM notes that dropping this requirement will enable registrations to be made through new channels such as online or by telephone, but these need to be supported by appropriate identity assurance, including in future digitally, to verify applications to the electoral register.

21. HMG envisages that “evidence of a connection between an individual and an address should be established either by an individual responding to a direct invitation by an ERO which has been sent to a known address (for example via the current canvass process), or where an unsolicited application takes place (for example online), by the ERO seeking confirmation of registration by writing to the individual at their address”. HMG notes that it may be possible to dispense with this stage if verification of address can be carried out by other means.

22. EURIM is considering conducting a survey of its corporate and associate members specifically on Identity Assurance to identify concrete operational industry experiences in this field.

September 2011

Written evidence submitted by the Information Commissioner’s Office (ICO)

1. The Information Commissioner has responsibility for promoting and enforcing the Data Protection Act 1998 and the Freedom of Information Act 2000. He is independent from government and promotes access to official information and the protection of personal information. The Commissioner does this by providing guidance to individuals and organisations, solving problems where he can, and taking appropriate action where the law is broken.

2. The Information Commissioner welcomes the opportunity to respond to the Government’s White Paper on Individual Electoral Registration (IER).

3. The Information Commissioner’s Office (ICO) is pleased to have had the opportunity to discuss this initiative with The Cabinet Office prior to the publication of this White Paper. We also welcome The Cabinet Office’s intention to continue to work with the ICO as detailed plans for implementation are developed.

4. We note that work is currently being undertaken by the Electoral Commission on the accuracy of the current electoral register, the results of which will be critical in going forward with IER. We are particularly interested in the results of the current data matching pilot schemes which are due to conclude in November this year. We look forward to hearing feedback on the pilots and how the results are to be used to increase effectiveness of the initiative.

5. The Information Commissioner appreciates that moving to IER will modernise the electoral registration system and recognises the consequence for democratic legitimacy in the UK. Whilst there is significant public

interest in these matters, the provisions of the Data Protection Act are relevant and our advice is given in this context.

6. The Information Commissioner's concern in relation to IER is that the proposals meet the requirements of the principles of the Data Protection Act. We would wish to emphasise that the data to be provided by the public under IER is proportionate and appropriate. Furthermore it is our understanding that in implementing IER, there will be no difference in the way the information will be held by the Electoral Registration Office (ERO) and that there is no intention to create a new national database of electors.

7. Having been invited to raise appropriate data protection issues relevant to IER at the earliest opportunity our response now to this White Paper seeks to confirm and emphasise the advice we have previously given.

8. Our comments relate to specific paragraphs as they appear in the White Paper.

HANDLING PERSONAL DATA

9. We welcome that the introduction of IER will not create a new national database of electors.

10. We understand however that under the new proposals people registering will be required to provide additional (and different) information to that currently provided, although the data included in the electoral register will remain the same. We have advised that the new arrangements should be communicated clearly and effectively in order that people understand why each item of data is required, what it will be used for and whether it will be retained by the Electoral Registration Office in their local authority. We welcome the intention to allow for alternative identification to be provided where a person may be unable to provide that first requested.

11. 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.

VERIFICATION OF ENTITLEMENT TO REGISTER

12. We note the commitment that the process for registration must remain easy to understand and universally accessible, but that it must also be sufficiently robust to tackle fraud.

13. We have advised that a clear explanation of why the new information is being collected is vital in these circumstances—it will be important to distinguish between data required for franchise and eligibility purposes and that required for verification.

14. We expect that the data to be provided by an individual will be kept to a minimum sufficient to check eligibility and ensure accuracy.

NEW OFFENCE

15. The Information Commissioner welcomes the creation within the initiative of a new offence relating to the disclosure of any information provided for verification purposes, either by the applicant or another authority in response to a verification check.

CHECKING NATIONALITY

16. The Information Commissioner recognises that where necessary ERO have a right to check nationality in order to establish entitlement to registration. We would advise that any checks should be conducted in a manner that is proportionate and undertaken only where necessary.

DESTRUCTION OF RECORDS

17. The Information Commissioner is please to note the intention to create regulations governing the retention and destruction of records associated with IER to ensure that personal data is not held for longer than needed.

18. We expect that guidance will be provided to all authorities involved in IER to support the regulations to ensure that they all understand the processes and procedures and their own obligations in this respect.

19. At this point the Information Commissioner wishes to recommend guidance should also be produced for those required to deliver IER that includes:

- Who is the data controller.
- Who is responsible for the collection and transmission of the data.
- Which authority is responsible for notifying the ICO in response to a data breach.

20. The Information Commissioner welcomes the undertaking to continued engagement with stakeholders on IER to ensure the security of personal data in this new electoral procedure and looks forward to working with The Cabinet Office on this initiative in the future.

September 2011

Written evidence submitted by the Credit Services Association (CSA)

1. The Credit Services Association (CSA) is the only national association in the UK for businesses specialising in debt recovery, tracing and related services. It also incorporates the Debt Buyers & Sellers Group (DBSG), with members ranging from high street banks to credit reference agencies and debt buyers. Our aim is to continually develop and uphold the highest professional standards across the credit industry.

COMMENTS IN RESPONSE TO THE CALL FOR EVIDENCE: THE GOVERNMENT'S PROPOSALS ON INDIVIDUAL ELECTORAL REGISTRATION

2. The CSA is in favour of Individual Electoral Registration.

3. Clause 1 does provide an appropriate legislative basis for introducing IER.

4. The proposed clause 1(2)(b) does provide for flexibility for any application to be made in any manner that is pre-scribed. The flexibility is dependent upon the appropriate authority remaining abreast of technology and making the order pre-scribing the acceptable manner of the application.

5. The verification of the address should in our view form part of the registration process. We think this is an opportunity to create an accurate record for the electoral system and the address information should be confirmed by the individual until such times that other means are available.

6. In line with a desire to see a robust and accurate system, we believe that the confirmation of individual nationality would enhance the accuracy of such a system. As such we are sceptical as to whether or not the current system is sufficient; hence we welcome any proposal that improves the situation.

7. It is unlikely, in our view, that the system will be perfect from day one. Consequently we believe that it is sensible to begin the transition to IER sooner rather than later. This would allow any flaws in the system to be addressed prior to the General Election in 2015.

8. We believe that the proposed approach will lead to a reduction in financial crime, in particular fraud. In our view any proposal that will result in a reduction of financial crime is to be welcomed. Therefore we believe that additional thought should be given to the non-mandatory approach. We accept that individuals may decline to provide additional information as there appears to be a reluctance to provide information to the state. This might be overcome if the provision of this information were to be compulsory.

9. Research from the Electoral Commission has found that appearing on the register was popular where it could be demonstrated that this assisted with the prevention of ID fraud. This is clearly relevant when the registers are used by the credit reference agencies in the granting of credit to individuals. **There is an argument that because not all financial crime occurs at point where credit is granted, but during the lifecycle of a credit agreement, use of the register should be permitted throughout the lifetime of the agreement. This would reduce the amount of bad debt within the economy and should ultimately reduce costs.**

September 2011

Written evidence submitted by 192.com

SUMMARY

1. 192.com is the UK's largest people finding website, and the owner of 192business, the leading UK provider of ID verification solutions to prevent online credit card fraud. It is used by eight million people every month in the UK. 192.com was the first company to offer the Electoral Register to consumers in digital form. 192.com works closely with the Information Commissioner's Office to ensure that data protection principles are respected and that data is published in a responsible way. 192business provides services to the e-commerce industry to prevent credit card and ID fraud, for anti-money laundering checks and to verify age in the sale of age-restricted goods and services such as online gambling and alcohol. The electoral Register is an essential tool in this activity.

2. 192.com supports the proposals set out in the Cabinet Office's consultation to accelerate the introduction of Individual Electoral Registration (IER). 192.com welcomes the Government's reassurance that during the first year of the switchover process, no household or individual details will be removed from the Electoral Register.

3. 192.com has an active interest in the IER proposals with any changes in the registration process having a direct impact on the Electoral Register and the Edited Register. This data is vital to the services 192.com offers to business and consumer customers, charities and individuals.

4. The Edited Register is a national resource that plays a valuable social and economic role in the United Kingdom. As the UK's only consented national database it is the most comprehensive and updated source of name and address data and is used to support a range of important activities by business, government, charities and individuals.

5. The Edited Register has significant social and economic benefits. Businesses rely on it to verify potential suppliers and customers, tackle credit card fraud, meet obligations where supplying age-restricted goods or when tracing debtors. For charities, it helps reunite lost friends and families (including 3,000 found annually by the Salvation Army), underpins locating and connecting organ donors, locating natural parents of adoptees and supports fundraising. Local government relies on it for purposes not permitted with the Full Register such as debt recovery. Individuals rely on it for finding lost family members and for building trust in strangers that they are about to transact with.

6. The introduction of IER offers an important opportunity to enhance the collection and administration of voter registration and, concomitantly, improve the Edited Register by ensuring citizens are given an annual choice on whether to opt-out and improving consent through standardised guidance.

7. The majority of citizens favour all uses of the Edited Register except for direct marketing. The introduction of IER provides an opportunity to address this concern by promoting the Mail Preference Service (MPS) on the canvass form as the only effective way to opt-out from receiving direct marketing.

8. Alongside the economic and socially damaging consequences of abolishing the Edited Register there are significant risks associated with restricting the use of this consented and regulated database as the massive demand for people-finding is met through alternative unlawful sources.

9. The Coalition Government has identified the potential of data held by the public sector to generate economic growth and improve transparency. The Edited Register is a prime example of the economic and social benefits that can be generated from consented release of public data.

Why maintain the Edited Electoral Register?

10. 192.com welcomes the Government's draft proposals on IER and strongly supports the central premise set out in the draft legislation by the Cabinet Office giving the decision on registration and voting rights to the individual rather than the "head" of the household. The move to IER offers an important opportunity to improve the collection and administration of voter registration and, concomitantly, improve consent.

11. The Edited Register came into being in 2002 after the court decision in the Robertson case,⁴ so that the valuable data on the register would continue to be available to serve important purposes whilst giving proper consideration to the privacy of individuals who did not wish their data to be used for other purposes. At that time, it was decided to create a new Edited Register to allow these uses to continue whilst providing people with the right to opt-out.

12. The Edited Register is a national resource that plays a valuable social and economic role in the United Kingdom. It is the UK's only large scale, consented, source of name and address data.

13. The previous Government launched a Consultation regarding the future of the Edited Register. This sprang solely from a claim by electoral administrators that the existence of the Edited Register acts as a disincentive for people to register to vote. When challenged through FOI requests, not a single electoral roll officer was able to offer any evidence of this assertion. Indeed some commented that they thought it acted as an incentive for some people to register.

14. It assists businesses to reduce exposure to credit card and identity fraud, meet age-verification obligations, conduct due diligence and pursue bad debts and supports the reunification of dormant financial assets with their owners. 192.com services small businesses that are unable to access CRA data; 97% of businesses, employing 60% of the private sector work force are small.

15. It facilitates the successful tracing of thousands of missing persons each year to reunite families and friends by charities and individuals. One division of the Salvation Army alone made 3,000 such reconnections last year and reports that people finding websites were indispensable in as many as 80% of the cases.⁵ Furthermore, it is an essential tool in charitable activity to find and connect organ donors, enables the work of adoption organisations, as well as supporting fundraising.

16. Local government relies on it for purposes not permitted with the Full Register such as debt recovery. If the Edited Register were to be abolished, local authorities would suffer a significant loss in revenue or, if use of the Full Register were to be extended, the Government would likely face challenges under the Human Rights act for forcing people to register to vote whilst using their data for non-consented purposes.

⁴ Robertson v Wakefield Metropolitan Council

⁵ An input to a full impact assessment on abolition of the Edited Electoral Register *Europe Economics* 31 March 2011

17. Individuals rely on it for finding lost family members and for building trust in strangers that they are about to transact with. In an increasingly online world millions of people transact with people that they have never met and where they need a way of building confidence that the person is who they say they are. Reference to public datasets is invaluable for this purpose.

18. Independent opinion research demonstrates public support for the Edited Register with only 2.5 % not supporting its continuation.⁶ It is important that the transition to IER reflects the strong level of support.

19. Research by Europe Economics found that there would be “very considerable adverse economic effects together with social impact” if the Edited Register were abolished. It found that abolition would cost the economy between £6.7 billion–£13.5 billion over 10 years.⁷ In addition it estimated that the number of foregone family reunifications over the next ten years would range between 367,696 and 1,451,164. It is important to use the transition to IER to embed best practice in the registration process to increase the benefits of this dataset. 192.com’s modelling shows that, but for pejorative practices conducted by the majority of electoral administrators, at least 73% of the UK population would have consented to inclusion on the Edited Register, dramatically increasing the inherent value of the Edited Register data to users of this data including charities, local authorities and businesses.⁸

20. Ending pre-ticking and techniques to encourage opt-out would have a significant economic impact. Europe Economics found that the cost to the economy of abolishing the Edited Register in a scenario where pre-ticking has ended would be £11.6 billion–£13.5 billion compared to £6.7 billion–£7.8 billion where pre-ticking continued and trends on opt-out levels were maintained.⁹ This recognises that an Edited Register without pre-ticking would be £4.9–5.7 billion more valuable to the economy over the next 10 years than an Edited Register with pre-ticking continued.

21. The Edited Register performs a vital role in meeting the ongoing demand for data through a regulated system. An independent review of the direct and indirect effects of abolition of the Edited Register identified that the following impacted parties would express a demand for alternative data sources in the event that the it becomes less effective:¹⁰

- Asset reunification services as the costs of tracing without the Edited Register would increase by 300% making smaller companies struggle to survive.
- Debt collection services because collecting smaller debts would become uneconomic which would mean loss of business.
- Direct marketing firms and fundraising charities because the costs incurred by marketing companies could be as high as £365 million.
- About 13% of the UK adult population involved in genealogy as they would remain interested in the family history research.
- About nine million unique users per month of people finding websites because they would still seek services that would help them verify strangers or trace old friends and family.

22. This demand would be impossible to meet with current legal data sources, such as the Phonebook or the database of UK company directors, as these are too small and the Phonebook cannot be searched nationally. Social networks, such as Facebook, are not an effective replacement because: i) they do not provide addresses so lack a geographic context, ii) profiles are easily invented (they are not formal records); and iii) coverage is skewed towards the younger generation.

23. If the demand for people-finding is not met through a consented and regulated database it will lead to an inevitable increase in unlawful data. Three potential supply routes to an illegal market in data to meet the continuing demand include:

- Data misuse—research found that 71.2% of local authorities who responded to FOI requests admitted to using the Full Register for issues considered by Hugh Tomlinson QC to be unlawful including assessing benefits and tracing parking fines.¹¹
- Full Register access—copies of the Full Register could be disclosed by sources and organisations that have legitimate access to the data to those that do not. The potential for misuse is clear from FOI responses—only 32% of local authorities required employees to sign undertaking even though the Electoral Commission advised councils to implement this procedure; only 14% logged searches; and only 6% had carried out an audit in the last year to check usage logs.¹²

⁶ Survey conducted in Feb 2010 by Opinion Matters see Annex 1, I-CD Publishing response to MoJ Electoral Register Consultation CP 46/09 Feb 2010

⁷ An input to a full impact assessment on abolition of the Edited Electoral Register, *Europe Economics* 31 March 2011

⁸ I-CD Publishing Response to MoJ Electoral Registers Consultation CP 46/09 February 2010 paras 143–6

⁹ An input to a full impact assessment on abolition of the Edited Electoral Register *Europe Economics* 31 March 2011

¹⁰ *Ibid*

¹¹ Rumbled: the councils that don’t register they are breaking the law *Parliamentary Brief* 28 April 2011

¹² *Ibid*

- Marketing data—offshore sources already offer unconsented databases of marketing data and this practice would increase in a landscape where there was no regulated onshore competition. This data would not only be data that was collected for other purposes but would include many people that would have opted out of the Edited Register. These sites would be outside the reach of the ICO, a point of real concern that has been expressed by the ICO.

Ultimately, those that have a strong desire for privacy will have their wishes abused and the Government may face criticism for failing to safeguard personal data.

ROLE OF IER IN IMPROVING THE EER

24. The Government can utilise the introduction of IER to improve the quality of the Edited Register in support of the benefits outlined above. This will involve addressing some of the systematic practices that have been used by the overwhelming majority of electoral administrators to achieve increased opt-out rates.

25. Foremost among these is the practice of pre-ticking the canvass form for people that have previously opted-out. Rather than give citizens an annual choice a number of electoral administrators admit that if a person has previously opted-out of the Edited Register the canvass form is pre-printed with an opt-out tick. This is despite clear guidance from the Electoral Commission that pre-ticking is a breach of regulations.¹³ The effect of this policy is clear: opt-out rates for councils that pre-tick are around 47% compared to just 27% for those that do not pre-tick.¹⁴

26. If the majority of electoral administrators had not ignored Electoral Commission advice then all the evidence suggests that the Edited Register would now be growing in size as more and more people became comfortable with its use. In June 2010 the AEA finally advised its members that the practice is illegal. Nonetheless it is for each electoral administrator to make a decision: to remove any doubt the Government should take immediate action to ban the practice of pre-ticking.

27. Opinion research clearly shows that a majority of consumers favour all uses of the Edited Register except direct marketing. 72% of those people that had opted out had done so in order to avoid direct marketing.¹⁵ This reflects that the current Canvass Form and guidance notes to the public consistently focus on the use of the Edited Register for direct marketing giving the false impression that opting out will prevent direct mail when it will not.

28. The introduction of IER provides an opportunity to address this concern by promoting the MPS on the canvass form as the only effective way to opt-out from receiving direct marketing. The Direct Marketing Association operates MPS because it positively removes those people who do not want to receive direct marketing. These people are unlikely to respond positively to direct marketing and MPS allows it to be more targeted and to operate more efficiently.

29. Currently only Direct Marketing Association members are obliged to use MPS to suppress those addresses that do not wish to receive direct mail. A statutory obligation could be placed on all direct marketing companies to make use of the MPS, rather than just the proportion of industry signed up to a professional Code of Conduct.

USE IER IMPLEMENTATION TO IMPROVE CONSENT

30. As the only consented national database in the UK it is essential that the shift to IER is used to enhance citizen confidence in the Edited Register. The accelerated introduction of IER will enhance the completeness and integrity of the Electoral Register. 192.com supports the proposals to require each elector to register to vote individually rather than by household. This will provide the opportunity for each individual to make an informed choice on whether to opt-out of the Register, rather than leaving the choice to whoever responds on behalf of the household as is presently the case.

31. It is clear that the language on canvass forms and guidance given by electoral administrators is inaccurate,¹⁶ fails to properly inform the public of the purposes to which the Edited Register might be put (not least the positive uses) and thereby misleads the public. For example, the current statutory wording says the Edited Register can “be used for any purpose ... by any person, company or organisation”. This is inaccurate as any user has to be a registered data controller under the Data Protection Act 1998 and it may only be used for any purpose that is permitted under the DPA. In addition, the layout of the canvass form varies across local authorities.

32. The introduction of IER provides an opportunity to address the significant variation in the canvass form and guidance notes. The public would benefit from the introduction of clearer, more accurate and more balanced wording allowing a properly informed choice to be made. 192.com therefore welcomes the proposal for legislation to require EROs to provide potential electors with canvass forms that are of a consistent standard

¹³ Managing Electoral Registration in Great Britain, Guidance for EROs *Electoral Commission* Part C, Paras 130–1 http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/42927/Full-ERO-FINAL_amended_March_2010_v2.pdf

¹⁴ I-CD Publishing response to MoJ Electoral Register Consultation CP 46/09, para. 143 February 2010

¹⁵ *Ibid*, Annex 1 Q4

¹⁶ *Ibid* paras 144–146

designed by the Electoral Commission, or such manner as may be prescribed, as this would enhance integrity in the electoral system. All written communication with voters affecting the Edited Register should be standardised.

33. In implementing IER the Government should ensure canvass forms address the following consistently:
- make clear that the Edited Register only contains an individual’s name and address and will not include any of the personal information required as part of the IER (such as National Insurance number);
 - explain the benefits of being on the Edited Register such as improving credit rating, and making it easier to buy goods and services on-line to address years of consistently misleading information;
 - reassure citizens that their information will only be used in accordance with the highest standards of data protection principles. The data may only be used by companies registered with the Information Commissioner’s Office and within the provisions of the Data Protection Act; and
 - signpost citizens to the MPS as the way to opt-out from receiving direct mail.

MAINTAINING OPT-OUT AS DEFAULT OPTION

34. The Edited Register was created following the Robertson decision to allow households to make an informed decision on whether their details should be available; the right to “opt-out” protects their right to privacy while maintaining the effectiveness of the Edited Register.

35. One of the options put forward by the last Government was to move from the current opt-out system to an opt-in system. Inevitably, this will lead to a significant further drop in the size of the Edited Register thus reducing its economic and social value.

36. Behavioural economics explains how people act in response to an opt-in mechanism compared to an opt-out model. A Cabinet Office commissioned report explained: “*Many decisions we take every day have a default option, whether we recognise it or not. Defaults are the options that are pre-selected if an individual does not make an active choice. Defaults exert influence as individuals regularly accept whatever the default setting is, even if it has significant consequences.*”¹⁷

37. In the context of Edited Register those people with a strong desire to privacy will ensure they are not listed and those with a strong desire to be listed will ensure that they are. But there is a large group whose natural inclination leads them to adopt the default position. The Government’s Behavioural Insights Team has accepted this noting “*A key insight from behavioural science is the tendency of individuals to go with the flow of pre-set options, or defaults...*”¹⁸

38. This can be illustrated with reference to organ donation mechanisms: where countries operate presumed consent the numbers of people registered to donate are dramatically higher than in those that operate an opt-in model.¹⁹

39. In framing public policy government should seek to structure the default option to maximise benefits for citizens which can influence behaviour without restricting individual choice. In the case of the Edited Register, it is clear there are significant economic and social benefits. If government accepts that the availability of a national database of names and addresses is beneficial to society, it should retain the “opt-out” mechanism, the same as the Phone Book.

40. Despite the clear evidence of public support for continuation of the Edited Register, behavioural theory indicates strongly that moving to an opt-in system would “kill” the effectiveness of the Edited Register. All of the economic and social benefits enabled by the Edited Register depend upon a critical mass of users. Because the majority would tend to follow the default option, an opt-in system would ensure that critical mass is lost.

41. For eight years voters have been presented with an opt-out box on the canvass form. Reversing this mechanism by changing it to an opt-in will create further confusion at a time of significant change with the introduction of IER. People that have previously opted out will opt back in because they expect the tick box to mean the same as before, and many of those that previously decided to be on the register by not ticking will effectively remove themselves. Any resulting confusion may undermine the shift to IER.

42. If, as a result of an opt-in mechanism being introduced, the number of people on the Edited Register drops dramatically, there are implications for the revenue earning opportunity for local authorities. In the event of a smaller Edited Register, the Electoral Administrators will be faced with the same cost and workload to create it but will not receive the rewards that could be made available. Moreover the broader opportunities, identified by the Government’s focus on open data, to generate economic value by access to this resource will be significantly undermined.

¹⁷ Mindspace—Influencing behaviour through public policy *Institute for Government* March 2010

¹⁸ Behaviour Change and Energy Use *Cabinet Office* July 2011 p.23

¹⁹ *Ibid* p.23

43. For this and many other reasons, if the Edited Register is retained it should remain an opt-out system thereby maximising the size of the database and the benefits that can be derived by society and the economy.

September 2011

Written evidence submitted by MIND

INTRODUCTION

1. Our vision is of a society that promotes and protects good mental health for all, and that treats people with experience of mental distress fairly, positively, and with respect. The needs and experiences of people with mental distress drive our work and we make sure their voice is heard by those who influence change. Our independence gives us the freedom to stand up and speak out on the real issues that affect daily lives. We provide information and support, campaign to improve policy and attitude and, in partnership with independent local Mind associations, develop local services. We do all this to make it possible for people who experience mental distress to live full lives, and play their full part in society.

2. Mind welcomes the Political and Constitutional Reform Committee's inquiry into the Government's proposals on individual electoral registration, and for the opportunity to feed into this inquiry. As Mind is not an expert on the electoral process, our comments are limited to the impact the proposals may have on people experiencing mental distress. We also suggest ways the Committee and, in turn, the Government may wish to consider in order to prevent further marginalization of people with mental health problems from the electoral process.

KEY CONSIDERATIONS

Impact of mental health on social exclusion and political engagement

3. People with mental health problems are amongst the most socially excluded in society,²⁰ and experience stigma and discrimination as a result of their mental health problems. This can ruin lives. Stigma and discrimination deny people with mental health problems the opportunity to live their lives to the full. It also impacts on relationships, work, and education, as well as the chance to live an ordinary life that others take for granted.

4. These indicators are significant in relationship to electoral registration because of the connection between social inclusion and political engagement, as the Electoral Commission identified:

“...those experiencing social deprivation tend also to be among the most politically excluded within society...We have explored the main factors that are thought to drive social exclusion and political exclusion. These include unemployment and low income, poverty, education, skills and training deprivation, health deprivation and disability, access to transport, fear of crime, neighbourhood, and housing.”²¹

5. That's why Mind, together with Rethink, run “Time to Change”, England's most ambitious campaign to end the discrimination faced by people who experience mental health problems, as well as improve the nation's wellbeing.

6. This campaign includes local community projects and activities, a high-profile anti-stigma campaign, legal challenges, training for student doctors and teachers, and a network of grassroots activists combating discrimination.

7. Time to Change is shown to be having a positive impact on public attitudes and behaviour towards people with mental health problems. Since the campaign launched, there has been a 4% reduction in reported discrimination and a 2.2% improvement in public attitudes.

Ensuring registration is accessible

8. Mind welcomes the commitment from the Government to ensure that “everyone who wants to be on the electoral register—and has the right to be—should be able to register easily and simply,”²² as well as its acknowledgement that more can and should be done to encourage people to register.

9. Alongside those groups the Electoral Commission found most likely to be missing from the register (ie young people, home movers, and certain Black and Minority Ethnic Groups), Mind would also suggest that the needs of people with mental health problems need to be taken into consideration, alongside the needs of disabled people as a whole, when looking at this important issue.

10. A project by Rethink, entitled Rethink Politics, was aimed at supporting the political engagement of people with mental health problems. Its report identified a number of suggestions for local authorities to take

²⁰ *Social exclusion and mental health*, Social Exclusion Unit, Office of the Deputy Prime Minister, 2004.

²¹ *Social exclusion and political engagement—a research report*, Electoral Commission, 2005.

²² *Individual electoral registration*, HM Government, June 2011, page 10, point 16.

forward to help promote political engagement amongst people experiencing mental distress.²³ The Committee and Government should consider this report and in particular the recommendations on how to improve political engagement alongside the Government's proposals to transform the voter registration process.

Acceptable forms of evidence

11. As some people with mental health problems will not have the traditional forms of photographic identification such as a passport or photo driving licence, the Committee should consider a recommendation to ensure as comprehensive list of acceptable forms of evidence as possible which can satisfy the Electoral Registration Officer.

12. For people who don't own the two forms of approved identification, including photo identification, the Government's proposal is for the individual to have non-photographic identification and combine that with a visit to the electoral office. The Committee should be aware that for some people with mental health problems this will prove simply too difficult to carry out, especially for those people whose mental health problems may leave them housebound. Further clarification is needed on where central electoral offices are, as this may also impact on people's ability to travel to the electoral office. Many people who rely on public transport may also face similar challenges, particularly those living in rural communities.

Registration in general

13. The Government is proposing that address verification will be completed in writing. Whilst this seems sensible in theory, it does identify a number of dilemmas for some people with mental health problems which may impact on their ability to carry out voter registration.

14. It is vital that in the case of voter registration there are a variety of ways people with mental health problems can register to vote, including written, verbal, and face to face. This is in order to reflect the different needs people will have when engaging with authorities and institutions. In 2009, Mind conducted research into HMRC's practices and the impact HMRC's practices had on people's mental health. Our findings highlighted the need to ensure a variety of different ways to engage with authorities. Many of these lessons also apply to voter registration.

15. For example, some people will have anxieties about leaving home. Others will be anxious about using the telephone. Respondents to the survey carried out by Mind for HMRC reflected this when asked how they would like to communicate with HMRC (they could opt for more than one channel):

- 41% said they would like to be able to communicate by letter;
- 40% said they would like to visit an HMRC office with someone there to support them;
- 39% by telephone; and
- 37% by email.²⁴

16. An important aspect of many forms of mental health problems is that the symptoms and effects fluctuate from one day or week to another. One interviewee put this plainly:

"I would like to be able to choose what suits me best at any time as my mental health fluctuates."²⁵

17. This is a vital point for the Government to bear in mind when planning any communication channel strategy for this group; the needs of any individual may not remain constant.

Data sharing

18. We await the findings from the Government's data matching schemes with interest as it may well prove fruitful for improving voter registration rates. However, the Government needs to be aware of the acute concerns some people have around data protection and sharing and the lack of trust in authorities to look after data properly. Regardless of whether this is fact or merely perception, the Government needs to carefully consider its communications on this matter.

Engaging with people with mental health problems directly

19. The Government should consider engaging directly with people with mental health problems, particularly regarding issues around communication of changes to the system. Mind would be happy to help facilitate this conversation.

September 2011

²³ *Rethink Politics: supporting the political engagement of people with mental health problems*, Rethink, 2009

²⁴ *Tax and mental health: removing the barriers*, Mind, 2009

²⁵ *Tax and mental health: removing the barriers*, Mind, 2009

Written evidence submitted by the London School of Economics

ABOUT IDENTITY POLICY RESEARCH AT THE LSE

1. Identity policy research at LSE received a particularly high profile in 2005 when the LSE's Identity Project²⁶ published its initial analysis of the previous Government's proposals for biometrically based identity cards.²⁷ Since then the research team has conducted numerous in-depth studies of technologically leveraged identity policies in the UK²⁸ and provided expert advice on this issue internationally.²⁹

2. The LSE identity policy research team is contributing to the Cabinet Office's Identity Assurance programme and we are participating in the Identity Assurance (IdA) Privacy and Consumer Group.

3. In this context we had a meeting with Colin Dingwall (MoJ) and David Rennie (Cabinet Office) in April 2011 to discuss the privacy implications of the proposals for Individual Electoral Registration (IER) and how they might interact with the IdA work.

SOME CONCERNS

4. Whilst we recognise the desire to move from the existing method of household canvass to individual electoral registration, we have a number of concerns about the direction of the proposals that are currently being developed.

5. It is a little surprising that the fact that once an individual has submitted an individual electoral registration form (and assuming that they don't move) they will never be required to register again is only noted towards the end of the main IER document.³⁰

6. We welcome the fact that a Privacy Impact Assessment (PIA) has been undertaken for IER and agree that a full assessment is the appropriate response to these proposals. However, there is a significant disconnect between the Impact Assessment presented to Parliament³¹ dated June 2011 and the IER proposals (CM8108) also presented to Parliament dated June 2011.³² The PIA notes that there will be privacy impacts due to the "[c]ollection of additional personal data that electors are not currently required to provide".³³ The PIA continues by noting particular mitigations put forward by the Government. In particular, it claims "[a]dditional personal data collected will not form part of the electoral register—the information currently captured on the register will remain the same."³⁴ However, the IER document states that it is proposed that "that EROs should retain the data on DOB (but it should not be included in the register itself) to enable a more accurate comparison of entries to allow ineligible duplicate entries to be removed, as well as potentially supporting data matching".³⁵ We are concerned by this technological sleight of hand whereby data is collected and stored but is mitigated simply because it is not on "the electoral roll" when, in practice, it is more likely to be added to any existing system that generates the electoral roll rather than a brand new and completely independent computer system. This also calls into question the thoroughness of the existing PIA.

7. A similar technological oddity exists with regard to the claim that "[t]here will be no new national database created as a result of implementing IER".³⁶ Whilst this is, in its narrowest interpretation, correct there are implicit plans for extensive data sharing between the 386 EROs such that there could be a (logical) national database that runs counter to the spirit of the Coalition Agreement.

8. Whilst the case for IER is strong, we believe it is undermined by over-reliance on one data point, that is that "40% of people surveyed for the Electoral Commission's Winter Research 2010" believed electoral fraud is a very big or fairly big problem. However, as the Electoral Commission itself notes, the increase in the 2010 figures "may in part be explained by high-profile press reports including the petition in Oldham East and Saddleworth involving the former MP Phil Woolas. It may also relate to concerns raised, and widely reported by journalists and politicians alike, about electoral fraud at the 2010 UK general election".³⁷ Indeed, the average concern about electoral fraud between 2003 and 2010 is closer to 34%, with no obvious rising pattern.

9. In analysing the proportionality of any IER process, it is important, therefore to balance "public perceptions" with an appreciation of the scale of the problem. Again, the Electoral Commission's own analysis is instructive (and should have been included in the PIA). It reports that the ACPO PNICC recorded 63 cases

²⁶ <http://identityproject.lse.ac.uk>

²⁷ <http://identityproject.lse.ac.uk/mainreport.pdf>

²⁸ See Whitley EA and Hosein G (2010) Global challenges for identity policies. Palgrave Macmillan, Basingstoke and Whitley EA and Hosein G (2010) Global Identity Policies and Technology: Do we understand the Question? Global Policy 1(2), 209–215.

²⁹ See Davies S and Hosein G (2007) Identity Policy: Risks and Rewards, report prepared for the U.S. Federal Trade Commission, available at <http://www.ftc.gov/bcp/workshops/proofpositive/ftc-identity-final.pdf>

³⁰ <http://www.cabinetoffice.gov.uk/sites/default/files/resources/individual-electoral-reform.pdf> (IER) Para 80

³¹ <http://www.cabinetoffice.gov.uk/sites/default/files/resources/individual-electoral-reform-impact-assessment.pdf> (IA)

³² IER

³³ Page 34 of IA PDF

³⁴ Page 35 of IA PDF

³⁵ Page 13 of IER PDF

³⁶ Page 35 of IA PDF

³⁷ http://www.electoralcommission.org.uk/_data/assets/pdf_file/0013/109012/Integrity-report-FINAL-no-embargo.pdf Page 5 of PDF

associated with registration offences during 2010.³⁸ There are indeed methodological challenges in identifying electoral fraud, and this would be a more sincere attestation as to why action is needed even though the extent of the problem is poorly understood. We are very concerned that in its current form this appears to be public-perception-based policy, and in turn we are worried that a solution may not necessarily match the real problem.

CONCEPTUALISING THE ISSUE

10. Although the documentation provides some useful clarifications such as differentiating between verification (of a person's identity) and determining their franchise and eligibility, a few other concepts will help. Thus, the IER proposals currently only address the initial registration process (including checks on eligibility) and there are no plans to confirm identity claims at the stage of voting (where there were 96 cases in 2010).

11. As the Impact Assessment notes: "Currently, both the canvass and the rolling registration processes are trust based with no proof of entitlement required".³⁹ In Identity Assurance terms, this is the lowest level of assurance (self asserted claims) whose usefulness is further reduced because these claims to identity and eligibility are indirectly asserted (by the householder completing the canvas) rather than the individual themselves.

12. The IER proposals therefore aim to enhance the confidence in the registration process by undertaking two steps. First, moving from household based claims to individual based claims. Second, by moving these claims from self-asserted to tested status.

13. In addition, and indirectly related, the IER proposals seek to be able to identify individuals who ought to be (offered) the opportunity to be on the electoral roll but who currently aren't.

14. From this perspective, a number of the existing (and ongoing) parts of the electoral registration process seem particularly anomalous. Thus, the electoral register "is also supplied to credit reference agencies and is an important tool used by financial institutions in the UK to verify a person's identity when processing an application for credit or opening a bank account".⁴⁰ That is, under the proposals for IER the electoral roll becomes a breeder document for checking whether someone is eligible for inclusion on the electoral roll.⁴¹

15. The solution to this anomaly is straightforward: we recommend that additional regulations be introduced to *prevent the use of electoral purposes for anything other than electoral registration*. That is, it should not be available as a data point for identity verification by the credit reference agencies or other such bodies. It would also address the fraud concerns outlined in the impact assessment.

JUST-IN-CASE PROVISIONS

16. As noted above, IER is based around individually given and "tested" claims as to eligibility to be added to the electoral roll. It is proposed that the following data items normally be collected to test this eligibility:

- Full name (first name, middle name or initial(s), family name).
- Full residential address including postcode.
- Nationality.
- Declaration of truth—declaration that all information provided is true and correct.
- Date of birth (new requirement).
- National Insurance Number (NINO)—where possible (new requirement).
- Immigration status—if non-British or non-EU Commonwealth citizen (new requirement).
- Declaration as to whether they are/have been registered elsewhere in the last 12 months (new requirement).
- Previous address where registered in the last 12 months (new requirement—currently requested but not mandatory).

17. We have no basis to question whether this dataset is the minimum required for determining eligibility for inclusion on the electoral roll and assume that it is. However, we do have concerns with how long many of these data items will be held "just-in-case" of allegations of registration fraud (see section 9 above). For example, the NINO will be held for up to six months,⁴² the DoB will be retained indefinitely "just-in-case" it is needed to check if someone with the same name and date of birth is registered in another constituency.

³⁸ http://www.electoralcommission.org.uk/_data/assets/pdf_file/0018/109044/All-2010-cases-by-RPA-section-and-outcome.pdf

³⁹ Page 8 of IA PDF

⁴⁰ Pages 8–9 IA PDF

⁴¹ Collings T (2008) Some thoughts on the underlying logic and process underpinning Electronic Identity (e-ID). Information security technical report 13(2), 61–70.

⁴² Para 59 of IER PDF

18. In the case of DoB and constituency checks, one would hope that this will be a by–exception check rather than having every single registration for every constituency cross checked with every single registration at every other constituency, however statements like: “[c]hecking a common name in *all* electoral registers could create thousands of matches making the process of identifying ineligible duplicate entries impossible. However the DoB would reduce the number of matches significantly and help to identify those ineligible duplicate entries that should be reviewed”⁴³ and individuals will remain on the register unless “(iii) information from other data sources, including other information held by the local authority (and potentially in the future, *Data Matching with national data*) prompts the ERO to make further enquiries”⁴⁴ suggest that the big–database mentality of government is still alive and well.

19. Another “additional” data field that is not listed in the documentation is the record of “those who choose not to return an individual application form”⁴⁵ although this data field will not be a permanent record.⁴⁶ Similarly the date the IER application was signed will also need to be recorded by the EROs⁴⁷ and details of the individuals that any IER application form lists might be living at the same address.⁴⁸

20. Although the Privacy Impact Assessment mentions the need to securely destroy records of NINOs once they have been used for verification⁴⁹ presumably this will need to apply to all the additional data collected as noted above.

21. We question the need for a proposed new offence for the disclosure of personal data provided by an applicant in their electoral registration application as it would imply that this data is not currently covered by the provisions of the Data Protection Act and suggests a lack of confidence in the powers and penalties available to the Information Commissioner’s Office. It also risks increasing the regulatory complexity around privacy and data protection in the UK, where different kinds of systems (rather than data items) are accorded different protections. Indeed, whilst some of the data that will be collected is classified as sensitive personal data and some not, operationally it might be more effective for all this data to be held with the same levels of security as the sensitive data requires.

ADDRESSES

22. In addition to verifying the identity of the applicant, the IER proposals also involve checking that the person has a “genuine association” with a “genuine address”. Whilst much useful checking of whether an address is genuine can be made using the Local Land and Property Gazetteer, the genuine association is more problematic and the proposal that the “[t]he ERO will create an audit trail through sending a document containing a unique identifying number (UIN), or code, in the post to the applicant. The applicant will be required to return the UIN or code to activate their registration. Processes will need to ensure that a UIN or code sent by post is not re-directed to another address because the value of this process lies in the fact that the post is delivered to and returned from a specific physical location”⁵⁰ does seem to be the weakest link in the process as a determined fraudster could intercept such letters relatively easily.

September 2011

Written evidence submitted by Open Rights Group (ORG)

1. ORG has long called for individual voter registration and so welcomes the consultation. The existing scheme is a significant weakness in our electoral system, a view echoed by the Electoral Commission and overseas election observers monitoring UK elections.

2. We are broadly happy with the content of the proposed changes to electoral registration. The exact detail of how data matching will be done by Electoral Returning Officers with government agencies will define the extent of possible privacy implications. However this detail is not clear at this stage. The proposals as currently set out are what we would have expected to see.

September 2011

⁴³ Para 60 of IER PDF. Emphasis added

⁴⁴ Para 85 of IER PDF. Emphasis added

⁴⁵ Para 65 of IER PDF

⁴⁶ Para 74 of IER PDF

⁴⁷ Para 66 of IER PDF

⁴⁸ Para 70 of IER PDF

⁴⁹ Page 40 of IA PDF

⁵⁰ Para 56 of IER PDF.

Written evidence submitted by the British Youth Council

1. The British Youth Council (BYC), as the national youth council of the UK, empowers young people aged 25 and under, wherever they are from, to have a say and be heard. We aim to help them to participate in decisions that affect them, have a voice and campaign on issues they believe in, inspire them to have a positive impact, and gain recognition for their positive contribution to communities, society and the world.⁵¹

2. BYC supports the youth voice in decision making and the democratic engagement of young people through its programmes and services including support for the UK Youth Parliament—600 elected Members of Youth Parliament, the Young Mayor Network of directly-elected young mayors, and the Local Youth Council Network of over 450 youth councils in the UK.

3. BYC has a sixty year history of encouraging young people to vote. For example, BYC ran a General Election 2010 campaign to encourage young people to engage with prospective parliamentary candidates on their priority policy issues such as public transport and ending child poverty, and in 2006 was funded by the Electoral Commission to deliver a programme “Inform & Influence” between 2006 and 2008 to raise political awareness amongst over 1000 young people at risk of being not in employment, education and training; 80% of those who attended training stated that their involvement made them “more likely to vote”.

4. BYC would like the Political and Constitutional Reform Committee to consider the specific challenges that young people may face using the individual electoral registration process, and welcome working with the Committee to consult young people and their representatives further on this issue. We believe that young people will have questions and concerns about the new requirement to provide a date of birth and National Insurance number when registering which need to be answered. We believe that young people would benefit from a national co-ordinated public awareness campaign, produced with young people for young people, to explain how to register to vote under the new system, and the new focus on sharing personal data and individual responsibility. Young people need to be empowered to register to vote themselves; in order to have control over this process they need to have sufficient accessible and youth-friendly information. We think that providing clear information about electoral registration process through the Citizenship curriculum, partnered with voter registration drives at schools, universities, and other places and services that young people use, will be key to increasing the proportion of young people who register to vote.

5. Shortly after the General Election 2010, BYC ran an online consultation with 1149 young people across the UK aged 10 to 25 years old on issues around political and electoral reform; 49% of respondents being aged 18 to 25. As part of this consultation BYC asked young people to submit their ideas on how to increase the number of young people registering to vote and using their vote. We received 892 ideas from young people (78% of the total sample) to the question “What do you think needs to be done to encourage young people to register to vote and exercise their vote?” One of the key themes of these responses was the need to remove barriers to the registration of young voters and simplify the process. Young people highlighted the issue of having to print off and post the registration form. They also wanted information within the curriculum of how to vote, and the process of undertaking this while you have a home address and term time address at university. BYC would be happy to share more of these suggestions with the Committee; a small selection of the quotes from the young people involved is below:

- (a) “[Voter registration] made simpler no forms just turn up and vote with id”. Female, 21, who didn’t register to vote in time for the General Election 2010.
- (b) “More publicity of deadline by which you have to register to vote by etc. More polling stations in town centres and increased flexibility of which polling station you can use”. Female, 18, who voted in the General Election 2010.
- (c) “Make it easier to register to vote. Currently you can fill out the form online but still have to print it off and post it”. Female, 22, who voted in the General Election 2010.
- (d) “Simpler explanations [of the voting process]? More hands on activities like in town, instead of just reading leaflets?” Female, 14.
- (e) “As many 18 year olds who need to register to vote are in education, at a college or a sixth form, it could be possible to visit these places to personally encourage them to register and to offer some advice on how to, or even do it there and then!” Male, 18, who was too young to vote in the General Election 2010.
- (f) “Make the system easier, add it to the curriculum and encourage schools to set up an opportunity to register”. Female, 17.

⁵¹ For further information on the work of the British Youth Council, and our membership, please visit <http://www.byc.org.uk>

6. BYC has also previously outlined young people's interest in being able to vote online or by email and would be interested to discuss further the opportunities for the use of new technologies in the voting process that could be coupled with the implementation of individual electoral registration. When BYC asked young people in 2008 "Do you think that more young people would vote in elections if they were able to vote online, by email or by post?" 83% of participants agreed that it would.⁵²

September 2011

Written evidence submitted by the Labour Party

INTRODUCTION

1. Electoral registration is the source from which democratic participation flows. Those who are not registered are denied that participation, so it is of great concern that more than 3.5 million eligible but unregistered electors are estimated not to be able to vote in this country, or to be taken into account by the Boundary Commission when constructing parliamentary constituencies.⁵³ Tellingly, the Government itself now acknowledges that even this figure may be an underestimate.⁵⁴ It is clear, therefore, that there is a problem with the electoral register that needs to be tackled.

2. The Labour party supports the principle of individual electoral registration (IER). We agree that a system of individual registration in Great Britain would represent a step forward in improving the integrity of the electoral register. We also believe that there are other principled, important arguments in favour of individual registration. That is why, in 2009, we legislated with all-party support to provide for a change from household to individual registration through the Political Parties and Elections (PPE) Act.

3. The core objective of this legislation is, similarly, the creation of a system of IER. Any criticisms that we make of this White Paper are not, therefore, directed against its ultimate objective. Instead they are directed at some of the proposed means for achieving it. Before outlining those criticisms in detail, it is useful to look back at the legislation providing for individual registration which the Labour Government introduced in 2009, as this sought to avoid the pitfalls which threaten the current Government's scheme.

BACKGROUND AND SUMMARY OF KEY ISSUES

4. The measures on individual registration in the PPE Act were based on the twin principles that the electoral register should be as complete as possible and as accurate as possible. Completeness means that everyone who is eligible to vote is registered to vote; and accuracy means that all those who are on the register, are eligible to be on the register. These two objectives were coupled together to mitigate the real risk that IER will make an already incomplete register even less comprehensive.

5. That risk was starkly exposed by the Northern Ireland experience, where the introduction of individual registration in 2002 led to an immediate and sharp decline in the number of registered electors (of around 11%). At least some of the drop in the numbers registered in Northern Ireland was due to the removal of the "carry forward" of electors who had been on the previous household register; and as the Electoral Commission noted in its report on the implementation of individual registration in Northern Ireland:

"[It] tended to have an adverse impact 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."⁵⁵

6. The Electoral Commission report continued:

"While these findings relate directly to Northern Ireland, they are not unique and reflect the wider picture across the UK. They present a major challenge to all those concerned with widening participation in electoral and democratic processes."⁵⁶

7. Given these concerns, the PPE Act put the Electoral Commission at the centre of the move to individual registration; given new powers to help the transition take place as quickly as possible and charged with monitoring its implementation to ensure the twin principles of accuracy and completeness were met. If the Electoral Commission was not satisfied that the implementation was progressing safely, it was required to report its concerns to Parliament.

⁵² British Youth Council, September 2008, Consultation response to the Ministry of Justice, *The Governance of Britain: Election Day—weekend voting consultation*. Available from: <http://www.byc.org.uk/resource-centre/policy-briefings-and-consultation-responses.aspx>

⁵³ Electoral Commission, *Understanding Registration*, (2005).

⁵⁴ HM Government, *Individual Electoral Registration*, (2011), p.9.

⁵⁵ Electoral Commission, *The Electoral Fraud (Northern Ireland) Act 2002*, (2003), p.6.

⁵⁶ *Ibid*, p.59.

8. The legislation also established a phased programme for change beginning in 2010 with the voluntary collection of personal identifiers ahead of a move to compulsory individual registration in 2015. It also provided for the “carry forward” of electors on the previous household register for two further years, up to 2017. By then the register would be entirely composed of people who had individually provided personal identifiers.

9. This phased process was designed to create sufficient time to prepare the population for the new system, in recognition of the profound risk associated with moving to individual registration. The simple fact is that many individuals currently registered under the system of household registration would under a system of individual registration be required to provide personal information for the first time; and that this is very likely to deter some—perhaps many—from registering, unless important remedial action is taken.

10. This was recognised by the Electoral Commission during scrutiny of the PPE Act, when it cautioned that the introduction of IER:

“would be a major change to the electoral registration system in Great Britain. There will need to be detailed planning and identification of key milestones to provide the basis for moving towards implementation of individual electoral registration over a number of years, including the delivery of public awareness campaigns during any transition to a new system. There will also need to be a real effort to make sure Electoral Registration Officers throughout Great Britain have the right tools to ensure all those who are entitled to be registered to vote are helped to do so.”⁵⁷

11. In addition, Peter Wardle, speaking for the Electoral Commission during the beginning of the committee stage consideration of the legislation, said that the transition would need to be a:

“two to three year gradual process until the register is complete and has a much greater degree of integrity, in that there are personal identifiers for each person registered. This is not an overnight fix. I think we are realistic about the time it will take.”⁵⁸

12. We agreed with the Electoral Commission’s broad analysis and our legislation took steps both to enhance the reach of the register and to frame the process in a way that would prepare the public for the transition to a new form of registration, as well as equipping EROs with the tools they needed to make the change work.

13. We believed that it was only by proceeding on this careful basis, with the transition planned over a number of years and with safeguards and supplementary measures built into the process, that risks could be mitigated and the completeness and accuracy of an individual register achieved.

14. The Labour Party is concerned that the framework for moving to individual registration proposed in this White Paper departs from the previous scheme in a number of critical ways, and in so doing represents a much more dangerous approach to this fundamental constitutional change than that taken in the legislation passed in 2009.

15. The purpose of this submission is to highlight the primary dangers: in particular, the very rapid timetable for change, the absence of appropriate safeguards, the erosion of the civic duty to register to vote, and the potential for a long term deterioration in the accuracy of the electoral register.

TIMETABLE & PROCESS

16. The draft legislation will repeal sections 30–34 of the PPE Act, which provided for the phased introduction of IER over a period of five years, beginning in 2010. As noted, this phase involved a transition from voluntary to compulsory collection of personal identifiers and also gave the Electoral Commission a central role in monitoring the progress with implementation and reporting to Parliament on the timetable.

17. This scheme and timetable was explicitly supported by all three principal parties in Parliament. As Eleanor Laing MP, the Conservative party front bench spokesperson, made clear during scrutiny of the proposals:

“I am very pleased to have the opportunity to put it on the record once and for all that we agree with the Government that the accuracy, comprehensiveness and integrity of the register and of the system is paramount. That is one of the reasons why we will not oppose the timetable the Minister has suggested this evening. I do not intend to vote against these Government amendments because I fully appreciate the Minister’s argument. I always have appreciated it, and I believe that it is right to take this matter forward carefully and step by step.”⁵⁹

18. Those comments were echoed by David Howarth, the Liberal Democrat front bench spokesperson, who said:

“We need both comprehensiveness and security, and I am pleased that the Minister intends the approach that he has chosen to produce both ... I do not think that anybody was suggesting that the timetable be artificially shortened, or that any risk be taken with the comprehensiveness of the register.”⁶⁰

⁵⁷ Electoral Commission, *Political Parties and Elections Bill, House of Lords Second Reading*, Briefing, 18 March 2009.

⁵⁸ Hansard, *Political Parties and Elections Public Bill Committee*, 6 November 2008, c.60, Q154.

⁵⁹ Hansard, 13 July 2009.

⁶⁰ *Ibid.*

19. In light of the very clear consensus for the timetable for IER established by the PPE Act, it is a matter of some concern that the draft legislation put forward by the current coalition proposes to remove those safeguards and simply bring IER into force in 2014. There are to be no regular milestones, no voluntary phase and the role of the Electoral Commission is to be significantly downgraded.

20. In just one respect is there a nuance in the timetable. The White Paper states that the legislation will put “in place a safeguard for the General Election in 2015 so that existing electors who fail to register under IER in 2014 are not removed from the register”.⁶¹

21. This safeguard is designed to mitigate the risk that a large number of electors may drop off the register in the early phase after the introduction of IER, which would undermine the legitimacy of the election.

22. In other words, the electoral register published on 1 December 2015 will be entirely composed of individuals who have provided personal identifiers. This is significant, because the electoral register on 1 December 2015 will form the basis of the next boundary review, which was set in law by the Parliamentary Voting Systems and Constituencies Act.

23. It is a matter of concern that while the draft legislation contains a safeguard to ensure that the 2015 general election is not undermined by a significant decline in registered electors, there is no such safeguard for the boundary review, which takes place later the same year. If people registered under the old household system are to be carried forward for the general election, it would seem sensible to ensure they are also carried forward for the boundary review a few months later.

24. Given that any disparity in the electoral register between 30 November 2015 and 1 December 2015 will be instantly obvious, the effect of a significant reduction in the number of registered electors would be to discredit a boundary review conducted on the new register. That would have serious consequences for British democracy.

25. The Government should therefore think again about the cut off date for the carry forward, and consider extending it to cover the 2015 canvass. If it is argued that this would extend the carry forward too far, then the solution must be to delay the start date for individual registration. Given that a general election and a boundary review are due to take place in 2015, it seems odd to choose 2014–15 as the period in which to introduce IER. It would surely make more sense to begin the process later, or least extend the period of its implementation.

26. That would at least ensure the legitimacy of the next general election and boundary review.

27. As it stands the change to IER in 2014–15 threatens to undermine both. The boundary review is clearly at greatest risk of being disrupted because of the potential for large numbers of people to fall off the register at precisely the point the review begins. But the general election, despite the carry forward safeguard, is also in danger of being impacted because of changes to “absent voting” and proxy voting rights.

28. The draft legislation states that while individuals who are on the household register in 2014 will be carried over to the electoral register used for the general election, only those who have registered via the individual register may apply for a postal vote or proxy vote.

29. As a consequence, if they fail to register individually, many voters who have previously exercised a postal vote will be unable to do so as their voting status will change to “non-absent” voter. Political parties would wish to raise awareness amongst this specific group of voters, who will be eligible to vote in the 2015 election, that these changes are being made to their voting status. However, this could only be done if there is an ability to identify them on the register.

30. In that context, when parties are provided with the full electoral register, the Government should consider providing the data in a format which includes fields that can be used to identify those electors that have previously had an absent vote but who stand to lose it as part of the changes being proposed.

EROSION OF CIVIC DUTY TO REGISTER

31. The White Paper states that:

“It is currently an offence to fail to comply with a request for information from an ERO, or to give false information to an ERO”.⁶²

32. The maximum penalty is a £1,000 fine. That is the law as things stand. However, the White Paper goes on to say:

“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”.⁶³

⁶¹ HM Government, *Individual Electoral Registration*, p.20.

⁶² *Ibid*, p.20.

⁶³ *Ibid*.

33. Mark Harper MP, the Minister for Political and Constitutional Reform, had earlier articulated this position in his oral statement in Parliament announcing the plan for accelerated individual registration. He told the House that:

“...people are not legally obliged to register to vote. If they receive inquiries from the local authority—the household registration form or some other inquiry—they are legally obliged to respond to them accurately, but there is no obligation on individuals to register at all”.⁶⁴

34. To many observers this seemed to be a new interpretation of the current legal position. While the penalty for not fulfilling the current legal duty is not often imposed, it is not without effect. It contributes to a general sense that registering to vote is a civic duty and not merely an individual right.

35. However, the White Paper states that:

“Upon implementation of IER in 2014 it will ... be a personal choice whether to respond to the ERO’s request to complete an IER application form.”⁶⁵

36. At a time when there is widespread concern about declining public participation in the formal political process, it would appear a retrograde step to remove one of the few legal obligations in this area.

37. It also seems particularly misguided to downgrade the legal requirement to return registration forms at the very moment where it is proposed to move to a new system that increases the risk of people falling off the electoral register.

38. There may be a case for changing the penalty for failing to return a registration form, but there seems very little basis for removing it altogether.

39. A final point is important here. The electoral register, as noted above, is the foundation stone not merely for elections but for boundary reviews. If registered electors are to continue to be the basis on which such reviews are conducted, there needs to be a high degree of confidence that all eligible electors are indeed registered; otherwise the electoral map will become distorted.

40. While the act of voting may reasonably be regarded as a personal choice, not least because of the fact of the secret ballot, there is a strong argument that registration is and should remain a civic duty.

HOUSEHOLD ENQUIRY FORM (HEF) ANNUAL CANVASS

41. Related to the construction of parliamentary boundaries is the question of the household enquiry form (HEF) and the annual canvass. Two immediate concerns arise from the White Paper in this regard: the proposal not to hold an annual canvass in 2014; and the potential abolition of the annual canvass altogether.

42. The paper proposes that the collection of personal identifiers for the purpose of building a register based on IER should begin in July 2014. In consequence, it suggests that the regular autumn household canvass should not be undertaken that year, though it should resume in 2015, because the close proximity of the two canvasses “risks confusing people”.

43. However, there is also a significant risk associated with not holding the annual canvass, particularly in the year before a general election. A more sensible approach, which would solve both these problems, would be to begin the collection of personal identifiers in January 2014, when the electoral register will be at its most accurate, and then to hold an annual canvass later in the autumn. Of course the most sensible approach would be to delay the introduction of IER until after 2015.

44. In the context of the issues raised above, it may be argued that the household register of *eligible* electors should serve as the basis for future boundary reviews, particularly if the Government deems registration no longer to be a civic duty.

45. In any event, the continued use of the household register is clearly a desirable and indeed essential element in the Government’s plan for individual registration. As Dr Stuart Wilks-Heeg, the leading academic expert on electoral registration told the Political and Constitutional Reform select committee in 2010:

“the annual canvass will remain very important in terms of updating the registers every year to make sure they’re complete and accurate”.⁶⁶

46. However, the White Paper proposes to take a power to abolish the annual household canvass in the long term.

47. The White Paper explains that as data matching with other databases is expanded, assisting work to update the electoral register on a rolling basis, the HEF may become redundant.

48. However, this needs to be carefully considered. Clearly, the proposed data matching schemes are desirable and sensible. But once the HEF is abandoned the most proactive and comprehensive mechanism for identifying eligible electors will have been lost. The job of updating the electoral register will become much more labour intensive for EROs. Their role in the process will become absolutely pivotal.

⁶⁴ Hansard, 15 September 2010.

⁶⁵ HM Government, *Individual*, p.21.

⁶⁶ Political and Constitutional Reform Select Committee, *transcript of uncorrected evidence*, 9 September 2010.

49. That is because there will be no requirement from 2015 for electors who have registered individually to register again. The removal of that requirement is a reasonable step so long as adequate checks are in place to ensure the register is kept accurate. The White Paper proposes three checks: electors will remain on the register unless they notify the ERO that their details have changed; the annual canvass reveals they are no longer relevant; or data matching with other sources prompts an ERO to make further enquiries.

50. Together these three checks would serve as an adequate mechanism for maintaining the integrity of the register. But if the annual canvass was removed from these three steps it could prove a serious loss, because it would place much greater importance—indeed complete reliance—on individuals voluntarily reporting a change in circumstance or on EROs gleaning a possible change in circumstance and following that up.

51. If those two methods do not prove effective checks on their own then over time we will see deterioration in the accuracy of the electoral roll. It would be much more secure to commit to continued use of the annual HEF canvass.

52. Given the critical position that EROs will now play, it must be asked whether they will be given sufficient resources to discharge their role in a secure and effective manner; and whether the authorities will have an effective and proportionate range of sanctions to ensure that there is a consistent approach from all EROs.

THE BASIS FOR CONSTITUTIONAL REFORM

53. Finally, it is important to make a general comment about the proper basis upon which major constitutional changes should be made. The present Government has, to date, exhibited a damaging propensity to drive through significant political reforms in a partisan and rushed manner. The Parliamentary Voting System and Constituencies Act is perhaps the crudest example of that tendency.

54. If changes to the system of voter registration—which is critical to the integrity and fairness of the democratic process—are to be made, it is essential that they are developed and implemented on the basis of broad consensus and according to a timetable that minimises any risk of distorting the political playing field or disenfranchising eligible electors.

September 2011

Written evidence submitted by Chris Ruane MP

1. The current Government's attitude to constitutional change needs to be set in the context of previous constitutional change. In 1997 the Labour Government introduced a whole raft of change.

2. Labour was elected with one of the biggest mandates in modern times yet it introduced constitutional and political change that would weaken its own political control.

QUANGOS

3. The previous Conservative Governments of Margaret Thatcher and John Major had relied heavily on quangoes to reinforce central power at a local level. This conferred massive power to unelected bodies. The practice was to fill these positions with those who "were one of us". Labour promised and delivered open appointments for these places.

DEVOLUTION

4. After years of formal and informal discussions, constitutional changes in Wales, Scotland and Northern Ireland were introduced. Not in a rushed, politicised manner but with lots of thought and preparation involving all political parties, the churches, unions and the rest of civic society. Labour's parliamentary majority was sufficient to push through this legislation on its own terms building in political advantage—it chose not to do so. PR, not first past the post, was the chosen method for election. All of this was ratified with maximum involvement of the people and tested through a referendum.

EUROPEAN ELECTIONS

5. Labour introduced PR to the European elections which had a devastating effect on its power base. In Wales Labour went from five MEPs to two.

INDIVIDUAL REGISTRATION

6. Backbench Labour opposition to individual registration was based on the known fact that its introduction would result in a drop in registration and the more identifiers asked for—the greater the drop. Without proper support and back up measures up to 10%, or an extra 4½ million, could be left off the register. Opposition was also based on the fact that those who would be left off the register would be the poorest and most marginalised in society. Individual registration was supported by the other two main political parties and the Electoral Commission. Internal Labour opposition was overridden and consensus was gained between the Labour Government and the opposition parties. A deal was struck that would ensure that the timescale was sufficient

to allow maximum registration before individual registration was introduced. This would enable careful monitoring of the impact and allow remedial action to be taken to reduce its effects.

7. Contrast the above with the approach of the current Government handling of constitutional issues.

8. Instead of preparing two separate bills to lay before the House one on AV (to please the Liberals) and Equalisation of Parliamentary seats (to please the Conservatives) they were rolled into one bill so that if one went down the other would. It would be a dance of death—an act of political convenience. The whole process has been geared not towards proper scrutiny and consultation but with desperately fitting into a tight deadline that all parts of the legislation must be finished by the next election to gain maximum political advantage. Indeed the date of the next election was declared (beyond the norm of four years) to ensure sufficient timescale for these constitutional changes to be bedded down.

9. There are a number of specific measures that have been introduced which I believe are highly politicised:

10. The freeze date for the electoral register on which the equalisation of seats would be calculated was 1 December 2012. Just six months after the new Government was elected, allowing no time for any of the new measures to improve registration to show results. Consequently 3.5 million people are not included in the calculations for the equalisation of seats.

11. An MP's caseload is quite often composed of those with the most difficult problems such as housing, benefits, ill health. These are the very people who are unregistered. Some MPs will have an electorate of 76,000 registered constituents and up to another 15,000 unregistered constituents. Individual registration drops could add a further 9,000 to this. These constituencies are quite often in the most deprived areas that are already suffering high unemployment. They are also quite often in areas where the employment which is available is in the public sector which will be cut severely in the next few years.

12. I have met the credit reference agency Experian which has the best databases in the country. They informed me that the figure for missing electors was nearer to 6½ million. Again the profile is the most marginalised in society.

13. Having between three and a half and six and a half million missing electors who are deprived, workless and have little stake in society has serious consequences for a properly functioning democracy. There have been many views on the reasons for the riots but political alienation must be a factor, especially in times of rapid economic and political change. It would be interesting to see how many of the rioters were registered to vote. I have both the Minister and the Electoral Commission to conduct research into this.

14. In my own constituency, the Vale of Clwyd, the electorate has gone down from 56,000 in 1997 to a low of 48,000. It is now back up to 57,000. This was achieved by a strong pro active approach by the ERO and the Chief Executive. The Electoral Registration Forms in Denbighshire were strongly worded and include the sentence **“If you do not reply by 23 November 2010 then you face prosecution and a fine of £1,000”** in a bold red box.

15. If there was a non return the Chief Executive sent out a strongly worded letter which finished **“In order for me to fulfil my legal duty I am therefore requesting that you complete the enclosed information sheet and return it to me in the envelope provided. If you fail to supply the information requested within 14 days I will have no option but to pass the matter to the Councils Legal Department”**.

16. On top of this, door to door visits to non responders are made on a number of occasions as is required by law. These measures have had dramatic results when properly enforced especially in the poorest ward of Rhyl West. Rhyl West is the poorest ward in Wales. Out of approx 1,900 Lower Super Output Areas LSOA (parts of wards) in Wales, Rhyl West had number one and three positions making it the poorest ward in Wales and one of the poorest in the UK. It is composed of hundreds of Houses of Multiple Occupation HMOs, with one door leading to as many as 20 flats. Functional literacy is very low and transience is one of the highest in the country with 49% turnover in pupils in a year in the catchment primary school. **The ERO was able to take registration from 2,500 to 3,500 in one year by using these methods.**

17. The Government wish to reserve the right to end the annual canvass. Why make this provision if the annual canvass is known to have had a dramatic effect on registration rates, especially in poorer areas with low literacy rates.

18. The need to register will no longer be required as a civic duty but as a personal life style choice. Electors will be able to tick a box asking not to be further reminded to register to vote.

The tradition in this country has been that registration is a civic duty. I strongly believe this. If this is to be changed we need careful consideration, not just by the political class but by wider society. The right to register and vote was a fiercely won democratic principle. To undermine this by underplaying registration and nudging people to deregister can only be deemed as an anti democratic measure, being pursued for party political advantage. The effects of de-registration will be felt in other areas of civic life:

- Non registration will influence the shape and make up of any seat (and neighbouring seats) on a regular five year basis.

- An incomplete register will hinder the ability of political parties to communicate with the electorate.
- It will narrow the base for jury selection
- It will impact on the ability of the individual to access to credit

19. I give credit to the coalition for listening to representations on the impact of the drop in electorates as a result of the individual registration registers in February 2015 12 weeks away from the 2015. There will be a carry over to the 2015 register of all those who failed to individually register. Voters will be able to vote in the General Election.

20. The freeze date for the next boundary commission however will be in late 2015 and no such provision will be made for any carryover. All those who do not individually register will be removed from the register at the beginning of the new boundary review.

21. The Electoral Commission informed a cross party meeting of MPs that individual registration under the current proposals could possibly lead to a slow decline of registration from current levels of around 90% to levels possibly as low as 60%. This could lead potentially to 18 million unregistered voters. How can a democracy function with so many of the poorest voters off the electoral register?

22. The proposals were described by the Electoral Commission as the biggest change in electoral law since the introduction of the universal franchise. I believe the vast majority of MPs, media, general public or civic society are not aware of the impact of these planned changes. I urge greater discussion and debate not just within Parliament but beyond.

23. To tinker with the basic building blocks of democracy in such a blatantly cavalier and biased way will make us the laughing stock of the democratic world. This will not promote a Big Society but a banana republic.

September 2011

Written evidence submitted by the National Union of Students

EXECUTIVE SUMMARY

1. NUS welcomes the opportunity to respond to the Committee's call for evidence on "The Government's proposals on Electoral Administration".
2. NUS, through the Society and Citizenship Zone has been working to increase registration and participation for some time. In particular, the 2010 general election campaign included work with the Electoral Commission and work on the "Get Out the Vote" Campaign.
3. NUS does not oppose individual electoral registration (IER) in principle; rather, we are concerned that at the moment the likely positive effects could be outweighed by the negative effects, including risks to student registration and participation.

NUS' WORK ON VOTER REGISTRATION

4. Our work over the 2010 general election campaign involved encouraging higher education vice chancellors and principals to share information with their local authority on where students live in order to help them with block registration.
5. Students' unions have a crucial role to play in encouraging students to use their right to vote and to make sure they are fully informed about the local and general elections.
6. NUS does not believe that students are apathetic; instead we recognise that young people are often disengaged with the political process. We know from the 2005 British Election Study survey that only 57% of students voted in that election, which shows the scale of the challenge facing those like NUS looking to encourage registration and participation within the student population.

INDIVIDUAL VOTER REGISTRATION—SCOPE FOR BENEFITS

7. There are some ways in which IER could be good in theory. For example, NUS has long supported a move towards online voter registration and would be interested in ways in which IER could be utilised in order to enable this.
8. In this way, IER could be a positive step, if properly set within wider efforts to improve levels of voter registration, particularly within underrepresented groups.
9. However, it is currently not clear whether IER would be utilised in this way, and many concerns have been raised about potential electoral fraud. Online registration would for example need to be supported by technological innovation. As it stands, NUS is concerned by the current lack of any strategy on online registration and would like to see more from the Government on how they plan to take this work forward as part of changes to voter registration.

INDIVIDUAL VOTER REGISTRATION—LIKELY NEGATIVE IMPACTS

10. There remain numerous and significant barriers to getting young people registered to vote. The Government need to demonstrate that these proposals will not undermine longstanding work to increase turnout and registration among students and young people, but instead work to ensure increases.

11. Any proposal to introduce IER must therefore include a clear and thorough plan as to how the risks to registration levels can be mitigated.

12. NUS strongly recommends that the Government should not proceed with IER until a strategy for ensuring that student registration will not be damaged has been developed. Similarly, any proposal must include more proactive measures to encourage registration and participation amongst young people and students.

13. Moreover, it must be noted that electoral registration is often a prerequisite for accessing other services and amenities. This clearly further increases the importance of a strategy for ensuring that any move to IER does not negatively impact on student registration.

14. NUS would encourage the Committee to explore the impact of IER in Northern Ireland, where anecdotal evidence suggests many students have been left off the electoral register—including those who previously had been covered by block voter registration.

STRATEGY TO MITIGATE NEGATIVE EFFECTS

15. Given NUS' longstanding work on encouraging registration and participation, we would strongly encourage the Government to work with us to avoid negative consequences arising from any changes. The effort to encourage voter registration will be particularly important should IER be introduced.

16. Although publicity campaigns have a role to play, experience shows that these are not always the most effective use of resources. A joined up strategy is needed, which would include giving 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.

17. The Electoral Commission does not currently have sufficient powers to determine local electoral administration, which allows for local registration officers to act with autonomy.

18. NUS therefore recommends that the Electoral Commission be given more powers to encourage a consistent, tried and tested approach to encourage youth and student registration and participation.

19. This would include setting targets for local electoral registration officers as to the percentage of students in a halls of residence signed up to vote.

20. NUS has issued guidance to electoral registration officers to share best practice, but recognises that this is not the most efficient approach.

21. It is not clear that alternatives to individual voter registration have been properly explored. If the change is based on concerns about voter fraud, other measures such as requesting presentation of identification for those registered as a "block" could be just as effective.

September 2011

Written evidence submitted by the British Community Committee of France

DRAFT LEGISLATION ON INDIVIDUAL VOTER REGISTRATION—PRE-LEGISLATIVE SCRUTINY

- British expatriates (expats) are currently deprived of the right to register to vote in UK national elections after 15 years' residence abroad
- British expats continue to have close ties to the UK even after a long period of residence abroad, and a strong personal interest in the future of their country and the conduct of the Government
- Voting rights in national elections are based on nationality, not residence, so expats cannot instead vote in the countries where they live
- Legislating for a time period before disenfranchisement of an arbitrary number of years serves no legitimate objective
- Rather than seeking to identify the "right" period of residence abroad, on the contrary there should be no time limit at all
- A section repealing the present legislation disenfranchising British expats after 15 years' residence abroad should be inserted into the Individual Voter Registration Bill.

1. I write as Chairman of the British Community Committee of France, a non-partisan, not-for-profit organization which represents British residents in France, strives to provide greater visibility and a united face for the British Community in France as a whole, and investigates issues and problems in everyday life that may be encountered from time to time by British residents in France.

2. The terms “British” and “Britishness” in this paper refer to the nationality conferred on UK citizens with the right of abode in the UK under British nationality law currently in force. The terms also refer to the usually loyal and life-long identification of most British citizens, whether UK residents or expats, with their own country. Use of the terms “British” and “Britishness” is not intended in any way to exclude Northern Ireland.

3. France is host to Britain’s eighth-largest British expatriate community, and the second-largest in a non-English-speaking country after Spain.

4. In this matter I speak also for British expats all over the world, pursuant to my contributions on this subject as part of the British expats’ delegation to the French-organized “Europe on the Move” meeting of representatives of expat communities at the French Foreign Ministry on 30 September 2008 and the Italian-organized follow-up meeting of representatives of expat communities in the Italian Senate in Rome on 30 April 2010.

5. According to research by the IPPR, some 5.6 million British subjects live abroad. 55% of all British emigrants in 2008 left the country for professional reasons, often being sent abroad by their British employers, or working for an international organization such as the UN or OECD. Approximately a quarter are students, and around 20% are pensioners. British pensioners living abroad represent nearly 10 per cent of all British pensioners.

6. Under legislation enacted in 2002 only those may register to vote in UK national elections who have resided abroad for less than 15 years (“the 15-year rule”). This is widely resented by those British expats who are affected by it, and whose right to vote in national elections is suddenly and arbitrarily terminated after 15 years abroad, often spent working to further the interests of the UK in commercial companies or international organizations.

7. British citizens disenfranchised in this manner because of the duration of their residence abroad are in effect deprived of the right to vote at legislative elections in general, since national voting rights are based on nationality, not residence, and the countries where they live do not, and probably never will, allow them to vote in their own national elections.

8. While they tend not to allow non-national residents to vote, most advanced democracies and many emerging countries not only permit, but actually encourage and facilitate voting by their own citizens living abroad. These include the USA, Spain, France, Germany, Italy, Switzerland, Portugal, etc. etc.

9. The time limit before disenfranchisement has varied since 1985 between five, 20 and 15 years. Each time the time limit was changed, Parliament clearly experienced difficulty in identifying what might be considered the “right” period of residence abroad before disenfranchising its own citizens. As a result, a compromise number of years was adopted in each case. It is not clear that any of these time periods corresponded to a particular legislative objective.

10. Cases pending before the Administrative Court and the European Court of Human Rights, brought against the UK and impugning current UK electoral practice where expats are concerned, if judged in favour of the applicants, would no doubt require HM Government to ensure that any new legislation setting a time limitation should not be arbitrary, but be proportionate to the objective to be attained by the legislation. A further arbitrary compromise number of years is therefore not at all desirable.

11. The present submission argues that rather than seeking to identify the “right” period of residence abroad, on the contrary there should be no time limit at all, and that overseas voters who are UK citizens, provided they fulfil all other required conditions, should continue to be able to register to vote in UK national elections without there being any time period after which disenfranchisement would become automatic.

12. Draft legislation on individual voter registration has been submitted to you by the Minister for Constitutional Reform, and it is our contention that such draft legislation could and should include a provision repealing those parts of the Representation of the People Act currently in force which set a time limit on overseas voter registration.

13. It is not for us to draft legislation, but it appears from the 2002 legislation that a simple text of less than 100 words could be a simple basis for repealing the 15-year rule.⁶⁷

14. If enacted, such a provision would constitute recognition by HM Government that British expats enjoy equal British citizenship and equal rights with their fellow British citizens resident in the UK. Such expats

⁶⁷ (based on Political Parties, Elections and Referendums Act 2000, section 141):

Abolition of qualifying period for overseas electors.E+W+S+N.I.

This section has no associated Explanatory Notes

Each of the following provisions of the Representation of the People Act 1985 (as amended by the Representation of the People Act 2000), namely—

(a) section 1(3) (c) and section 1 (4) (a) (conditions to be satisfied by British citizen in order to qualify as overseas elector in relation to parliamentary election), and

(b) section 3 (3) (c) and 3 (4) (a) (conditions to be satisfied by peer in order to qualify as overseas elector in relation to European Parliamentary election),

shall be repealed.

would at last all be able to participate fully in the democratic election of members of the legislature, rather than just some of them.

15. They would be motivated to do so not only on grounds of Britishness, but also of their continuing strong links with the home country, and their personal interests in areas such as old age pensions, taxation, their children's and grandchildren's education, health care, etc etc.

16. In many cases British expats continue to pay income tax in the UK eg income tax deducted at source from public service pension payments or tax paid in respect of real estate and/or investments held in the UK. These are people with a vested interest in continuing to have a say in the legislative affairs of the Kingdom.

17. Taxation is not however a compelling argument, since most countries where British expats live have concluded a Double Taxation Convention with the UK, in effect deeming that by paying tax in the host country, they have fulfilled their fiscal obligations to their home country.

18. British expats today are able to keep themselves fully informed about issues affecting the UK through satellite TV and radio, newspapers on the internet, etc. On the whole they care deeply about their Britishness and about what goes on in their home country. Expats show a keen interest in maintaining good relations with British embassies and consulates abroad. Britishness and links with Britain are expressed locally through membership of British associations and institutions abroad (see for example www.britishinfrance.com). They represent informally British values abroad and act as unofficial ambassadors of Britishness to the outside world.

19. In enacting the proposed repeal of any time limit on expats' voting rights, it would be beyond question that HM Government would be bringing the UK into line with article 20 TFEU (freedom to move to and reside in other EU member states), the numerous and repeated recommendations of the Council of Europe concerning expat voting rights (notably the Parliamentary Assembly's Resolution 1459(2005)), and the provisions on electoral rights of the European Convention on Human Rights

20. The Committee will want to explore what risks might arise as a result of enacting the proposed submission, and how such risks might be mitigated.

21. In 1989 the time limit on expats' voting rights changed to 20 years, the longest period before disenfranchisement that has existed in UK law. The new time limit did not apparently cause any undesirable consequences compared with the previous time limit of only five years.

22. Theoretically there could be a small risk of electoral fraud if any unqualified persons were registered. However, a registration process could no doubt be devised based on the electors' British passport number, a unique, secure number issued by the Identity and Passport Service of the Home Office, which also holds information about the full identity and address of the passport holder at the time of issuance of the passport. All British expat citizens whose status is legal must hold a current British passport. In the absence of a national identity document for UK resident nationals, passport data for British expats actually provide a stronger means of proof of identity than is available for resident nationals.

23. It may be felt by some that certain long-term expats have, over time, lost their connections with the UK, and that enfranchising them might make the voter base in the relevant constituency unrepresentative (albeit very slightly). However, if such persons exist, it is highly unlikely they would be sufficiently motivated to apply to register to vote. Therefore this is hardly a risk that needs to be considered.

24. In conclusion, abolition of any time limit on the residence of expat voters abroad would:

- bring the UK into line with the practice of other advanced democracies and with EU treaty obligations and Council of Europe recommendations,
- reinforce the ties of Britishness between the UK and those who are its unofficial ambassadors, and
- allow full participation in the democratic process of millions of British expat citizens who are motivated so to do.

To abolish the time limit, the legislation need not be complicated, and secure registration procedures based on passport data could be devised to avoid fraud.

October 2011

Written evidence submitted by Adrian Milne

REPRESENTATION TO PARLIAMENT (VOTING POWERS) OF EXPATRIATES

1. I am a correspondent to Pensioners Debout, and have been told of your meeting on this subject on Wednesday 13 October.

2. It is desirable that all expatriates have the right as a British citizen, permanently to express their opinion through the ballot box in British National elections.

3. My circumstances are: I am a retired Metropolitan Police Officer, having worked the final three years of my service in the Palace of Westminster. I was medically discharged in 1985, and moved to France. I remain

in contact with the UK and its politics through British TV, and still have family living there. As an ex-government employee I am obliged to pay my taxes at source in the UK, yet I am denied the right to vote on their use. It seems illogical to me that the UK should fight wars in other countries to promote democracy, but deny voting rights to its own citizens.

4. I am conscious that within the EU Britain along with Ireland are exceptional in not allowing representation to our National Government. Our National Government is responsible for all agreements with the EU and our country of residence (France) in our name, but after 15 years we have no right to express our feelings and be represented.

5. It would be appropriate to be represented in the same manner as French nationals who live in Britain, with members directly elected to their Assembly in Paris.

6. I am concerned about Britain's relationship within the EU and feel that correct full permanent representation for the expatriates can only do good.

October 2011

Written evidence submitted by David Burrage

SUFFRAGE RIGHTS FOR BRITISH EXPATRIATES

1. I write to you in the above referenced matter, not only as a loyal British citizen who has been disenfranchised of my national right of suffrage, but also on behalf of the British Expats Association (Spain), www.ukgovabusesexpats.co.uk of which I am the co-founder and legal adviser. We are the largest association of its kind in the world, including at least one member resident in the Republic of China, although the overwhelming majority of our members are currently resident in Spain, which is where the largest community of British expats can be found anywhere in the world.

2. We founded the Association with the primary objective of advising British citizens of both their rights and obligations under the law. To keep them together as one people in the bond of our national identity and to fight abuse. We take no money when assisting our fellow British citizens and fund our Association from our own pockets.

3. There are many others who have made far greater sacrifices for our nation, including the hundreds of thousands who gave their lives in order that we could be free and live under a democracy. What I set out here in no way detracts from the many sacrifices made by those who still survive, not least their own depth of feeling in this matter of national identity and suffrage.

4. As a British citizen who grew up in London during those dark days of oppression in Europe during WW1 I consider that I have earned the right to address the Select Committee which is to sit on 13 October 2011 to hear views on the above matter. Had time and circumstances permitted I should have been pleased to attend upon the Committee.

5. As one who survived the blitz on London as a child and having suffered all those indignities which accompanied that period of our history. Sleeping under the stairs and never knowing whether we would survive the night, we also served our country, even though we were too young to take up arms to defend democracy in Europe. In those dark days we pulled together as one nation and had I been somewhat older, I too would have been part of that force of so many of our gallant fellow men who liberated Europe from tyranny.

6. Further, I spent almost my entire working life in the service of the Crown under a sworn allegiance to Her majesty our Queen. I accepted the Queens shilling with pride when enlisting in the Regular Army during the "cold" war and was on stand-by to be airlifted to that Suez debacle in 1956.

7. Following my military career I served almost 30 years in the Metropolitan Police Force, attaining a senior rank. During my early police service I performed duty at electoral polling stations. As a young policemen on the beat and later as a detective I patrolled the streets of London at night in order that our fellow citizens could sleep comfortably in their beds, often removing our shoes in order to do so with stealth, walking through dark back alleyways where the public would fear to tread apprehending criminals, who were often violent. Later when a Detective Sergeant I was advised I was to be put on the IRA death list following arrests in a terrorist incident. I have been threatened with assassination by an armed robber. I fought deranged persons when they were armed with knives. I have had a knife held to my throat by a blackmailer seated behind me in a car when I had accompanied the victim to a meeting with him, although at that time I was more concerned about the armed officers surrounding us. Even after my retirement I have had a pistol pointed at my face and touching my nose when detaining a notorious burglar. We performed our sworn duty without a thought to our own safety.

8. I moved to Spain in my retirement.

9. I was active in the run up to the Political Party's Voting and Referendum Act 2000 and during the passage of that Bill I took very great offense at the fool who awoke from his slumber in the Upper House and declared that British citizens who absent themselves for more than five years can have no interest in the United Kingdom. Whereas nothing could be further from the truth.

10. I have been disenfranchised of my right to a national vote, even though and despite of my devotion to my homeland. I am also required to pay income tax in the UK on my police pension—The Double Taxation Relief (Taxes on Income) (Spain) Order 1976. Not only am I bound by UK fiscal law, including certain of the laws of testacy, I am also bound by certain of the UK's criminal laws as a British citizen. I am also in receipt of my full basic UK state old-age pension and have absolutely no say in how my income taxed is used.

11. Taxation without representation is tyranny.

12. The United Kingdom along with Denmark are the only two nations within the EU which disenfranchises its citizens of their right to suffrage. This is not something for the British nation to be proud of when at the same time boasting to be the cradle of democracy. Even the F.R. of Germany, which disenfranchises its citizens of their right to suffrage after 25 years of absence, do not do so where their citizens have re-located to elsewhere within the EEA or Switzerland.

13. My current situation is that as a Union Citizen (Article 20 TFEU), with a right of free movement within the EU (Article 21 TFEU), I do not have a national vote anywhere in the world and cannot even take part in any referendum, even if it is called to determine our future in Europe. Whilst Union citizenship does not replace one's national identity, but rather compliments it, such Union citizenship, where one's state of nationality does not recognise a citizen in its democratic processes is meaningless.

14. I refer to my country as including all of the United Kingdom and Northern Ireland, especially since during my working life I served and worked alongside men/women from all parts of the UK.

15. I have voted at every election since I attained the age of majority, save that I was not allowed my overseas vote at the last election as I had exceeded the 15 year rule.

16. My birthright has been stolen from me and I have been outlawed by the country I love and have served so loyally all my life. Those responsible for taking away my birthright have made me their enemy.

17. The situation in which I currently find myself also breaches my basic human right of suffrage.

18. I have attached a petition⁶⁸ I had lodged with the European Court of Human Rights and it serves as an indictment against the British Government that its citizens have to look elsewhere in an attempt to seek justice.

19. There were those in that place who expressed indignation over the proposition that serving prisoners should not re-gain their suffrage rights. Those sounds we heard coming out of that place represented a very ill informed response. If you strip a prisoner of his basic right of representation then not only does society de-humanize the prisoner it also de-humanizes itself, it also reduces the likelihood of re-habilitation. It also exposes prisoners to abuse, particularly where the majority of prisoners are not serving time for violence. The outcry represented the lynch mob mentality. Why do I say so? Well, I put many of them there and make no apology for that. My work brought me in daily contact with criminals, including a number of murderers. In fact there are currently a few still serving. It may interest the Committee to learn that I was the CID prison liaison officer for the entire UK to HM Prison Wandsworth (1965–67). I do know what it is like to spend a day up on the wing, but once they got to know who I was the cat calling stopped. If you remove a person's hope, you remove society's hope.

20. I should also remind this Committee of the prophetic words of the late Sir Winston Churchill, who despite many of his faults led our nation to victory at a time in our history when we came so near to defeat. In October 1942 he wrote to the British War Cabinet, "Hard as it is now to say, I trust that the European family may act united as one under a Council of Europe. I look forward to a United State of Europe." Further, in 1947 the European Movement formed a committee and the following May (1948) they organised a Congress of Europe at the Hague. This Committee included members from 16 countries and the President of Honour was WINSTON CHURCHILL. After that meeting a communiqué was issued which read, "We desire a united Europe through whose area the free movement of persons, ideas and goods is restored." This is the opening sentence of the Treaty of Rome. It was from the Council of Europe that the European Court of Justice emerged. Not to be confused with the council of ministers to the EU Parliament.

21. Currently we are proposing a monument to those merchant seafarers who gave their lives in two world war conflicts. It is right that we do so, lest we forget, but at the same time our Parliament has dishonored the memory of the late Sir Winston S Churchill, whose effigy looks upon our Palace of Westminster.

22. In two world wars, it was not only British residents of our islands who took up arms in the defence of democracy, it was also the many thousands of other British citizens who returned home to defend their motherland.

23. Like so many of our fellow British citizens, who have sought to spend some last years of our lives elsewhere within the EU, I am now hoping to be able to sell up in Spain and to return to my country of birth. Spending a few years in another country can never replace the ties and depth of feeling one has for one's homeland. Further, I have family in England and visit regularly and on every visit I travel up to Westminster and gaze at the office I once occupied at New Scotland Yard overlooking our Parliament. I have also shown many visitors around London with pride. It is my home and always will be.

⁶⁸ Not printed

24. I have attached a copy of my appeal,⁶⁹ on behalf of our Association, to the European Court of Human Rights and I would be most grateful if you could prepare copies before the meeting for those who are to sit on that Committee.

25. I have not addressed the fundamental principles, as enshrined within the consolidated Treaty on the Functioning of the European Union (TFEU), as I know you will already have considered the proper effects of this treaty.

October 2011

Written evidence submitted by Brian Cave, Pensioners Debout

A PLEA FOR PERMANENT REPRESENTATION FOR THE BRITISH EXPATRIATE

1. I am Brian Cave, organiser of an internet site (a so-called “blog”) which is concerned with the impact of rules and regulations, largely originating from the *UK Government and Whitehall offices* on the lives of British pensioners who have retired to the continent of Europe. This site is <http://pensionersdebout.blogspot.com>.

2. There are now about 430,000 British pensioners in the EU. I concentrate on those in France which number about 54,000. The numbers increase yearly, even in these recessionary times.

3. You should understand that we pensioners all have considerable interests in the UK. These usually have a background of centuries of family history.

PERSONAL MATTERS

4. To understand this interest I will recount my own connections.

5. Though my own immediate family was poor, I have a history of the family Cave traceable through centuries. On my mother’s side one ancestor was a sawyer near Tunbridge Wells and cut oak for the 19th century restoration of Westminster Hall.

6. I was born in the 1930’s recession. My father attempted to run a photographer’s shop, which failed and he was bankrupted. My mother then obtained charity from the Roman Catholic Church to support her three children.

7. In 1939 I and my two brothers were evacuated. I, the youngest, returned to London because my mother wanted me close to her and I was there throughout the blitz. Our house and yet another requisitioned house in which we lived were blasted.

8. Later I managed through scholarships to reach Oxford where I read Botany.

9. I served for two years National Service as a 2nd Lt. in the army.

10. I recount all this to demonstrate that these British antecedents mean much to me. No way at all have I cut myself off from my antecedents, my British background—nor could I ever do that.

11. Later I established on behalf of the Gloucestershire LEA an Environmental Studies Centre in the Forest of Dean.

12. Mark Harper is at this time my MP (Forest of Dean). But if current absurd rules hold I will lose that representation in August 2013. I will be dis-enfranchised.

13. Mr Harper is well aware of my activities to attempt to achieve social justice for the expatriate pensioner. I have exchanged correspondence with him for some years.

14. Today, naturally, my family ties to the UK remain strong. I have two daughters who live in the UK and one grand-daughter who is at school in Bradford. I am greatly concerned for their welfare. My eldest brother is in a home in Northfleet, Kent with dementia. It falls to me with the great support of my oldest daughter to manage his affairs. I phone the home each month to see how he is.

15. In short, I have a deep personal concern for the way the UK is managed.

16. So many of the correspondents to my “blog” have similar concerns.

17. Whether I myself will return to live in the UK—I am at present verging on 80—I cannot say. So much depends on the relationship of the UK with the EU and family interactions. Many readers of “Pensioners Debout” will return and want to know that it is a country which they would be proud to live in.

18. This last point touches on my (our) awareness of Britain on the world stage. I and my wife listen every day to the British news on TV and radio. We watch Prime Minister’s Question Time every Wednesday. We are probably better politically informed than the average person resident in the UK.

⁶⁹ Not printed

19. I and all expatriates in Europe have (or should have) an enormous concern with the relationship of the UK with the EU. It is vital to our welfare.

WHY ARE EXPATRIATES “TURNED OFF” BRITISH POLITICS?

20. If you read the comments on the website [www.votes-for-expat-brits.com] developed through the initiative of Christopher Chantrey, you will see a large number of impassioned pleas for representation. Yet many others are apparently just not interested.

21. Frankly, it is hardly surprising. It is an extension of the reason why so few residents vote in UK elections. But there is more one can add. If a law exists that you can only vote for 15 years, it indicates that the politicians are really not interested in us. Many constituency MPs are not interested (I have recorded instances) in those who live outside their constituency. Most constituency MPs have not the time to really analyse the concerns which we have and which are the responsibility of Whitehall departments.

WHY EXPATRIATES NEED INTERACTION WITH THE UK GOVERNMENT

22. This has been examined by me in an article on my blog.⁷⁰ I urge you to read this. It firstly demonstrates the great importance of representation for expatriates in Europe to the Westminster Parliament and then explores the world-wide significance of British representation.

WHITEHALL

23. The international regulations that affect the expatriate which are passed by Westminster, do not have the interests of the expatriate at heart but reflect the views of the professional civil servant of the interests of the State—not ours, who nevertheless are bound by these rules. Never is the question asked in the corridors of Whitehall “What is the effect of this treaty/agreement on the lives of the British expatriate?” I have covered these aspects in the above reference.

24. It is my view that we need representation of the expatriate for the expatriate preferably by an expatriate. In my view our own representative MP/MPs would serve us best. That is—someone who knows our special concerns as British Citizens abroad (especially in the EU) and will do his/her best to represent us at home.

October 2011

Written evidence submitted by Lord Freud, Minister for Welfare Reform, Department for Work and Pensions

1. Thank you for your letter⁷¹ regarding the methods that the Department for Work and Pensions uses to validate address and record nationality details.

2. With regard to the point about using the Local Land and Property Gazetteer (LLPG), the repository for our information, the Customer Information System (CIS), provides information for the whole of the UK.

3. The Department considered options as to the best source of data to validate addresses taking into account the need for national coverage. However, the LLPG only covers England and Wales. To ensure national coverage and accuracy we use the QAS Pro system by Experian (which covers England, Wales, Scotland and Northern Ireland) to validate addresses against the Royal Mail Postal Address File.

4. As for the feasibility of recording nationality, the Department is reviewing its requirements to collect nationality data for the purpose of paying social security benefits. I am unable to comment at this stage on the scope for such data to be used for matching eligible voters.

5. If you have any further queries, please do not hesitate to contact me.

October 2011

Written evidence submitted by Rt Hon Andrew Robathan MP, Minister for Defence Personnel Welfare and Veterans, Ministry of Defence

Thank you for your letter of 15 September⁷² regarding the data matching pilot; we remain fully committed to this. The pilot will determine whether data held by MOD will help local authorities improve the accuracy and completeness of the electoral role with regard to those Service personnel who choose to declare themselves as a Service voter. The pilot will also identify how best improvements may be required for any further arrangements between MOD and local authorities in future.

My officials provided Stratford-on-Avon District Council with a data file containing the addresses of all relevant Service family accommodation on 23 August. In return, Stratford-on-Avon District Council provided

⁷⁰ <http://pensionersdebut.blogspot.com/2011/08/to-all-british-expatriates-everywhere.html>

⁷¹ Not printed

⁷² Not printed.

the names and addresses of Service personnel registered as Service Voters within its electoral boundary. However, the format of the file we received was found to be incompatible with our data matching arrangements and despite attempts we have not been able to compare their records with those on Joint Personnel Administration. However, Stratford-on-Avon District Council has provided a further set of data in a revised format and we have agreed this data will be processed shortly.

I hope this explains the situation.

October 2011
