

**Written Evidence to the
APPGDC Inquiry into UK Elections in Light of the Elections Act 2022.**

Professor Toby S. James

Professor of Politics and Public Policy, University of East Anglia

Co-Director of the Electoral Integrity Project

E: t.s.james@uea.ac.uk

Twitter: @tobysjames

31 July 2023

1. I am the co-Director of the Electoral Integrity Project. The Electoral Integrity Project is a world leading project which produces innovative and policy-relevant research comparing elections worldwide. My individual research expertise focusses democratic quality, electoral integrity and policy. I am giving evidence in a personal capacity in response to the committee's call for evidence.
2. This is a welcome and timely inquiry on one of the most significant set of reforms to elections since the UK became a democracy. At the same time, the inquiry can also only record a provisional assessment about the impact of the Elections Act for two reasons. Firstly, the main focus of the inquiry is on the impact of voter identification requirements. It is important to assess the impact that they have had on the May 2023 local elections since this was the first time that the requirements were enforce across all relevant elections. That said, the impact will be much more significant at a UK general election. Secondly, the Elections Act 2022 covers a huge range of changes to elections. The introduction of compulsory photographic requirements are the most visual media-grabbing change that has been made. But there are also changes to areas including the eligibility for postal voting and the electoral franchise. These have not yet come into full effect but will place significant pressure on electoral administrators in the coming months. The committee should therefore revisit the impact of the Act again in the future.

The overall evaluation of UK elections

3. It is important to put the quality of UK elections into perspective. The Electoral Integrity Project collects and publishes data on the quality of national elections held around the world. The Perceptions of Electoral Integrity Index dataset is based on a survey of academic experts and provides a useful overview of the areas of the electoral cycle where there are strengths and weaknesses.¹ Figure 1 provides a radar of the comparative strengths and weaknesses of UK elections across different parts of the electoral process. Data is based on the 2019 general election.
4. The data presented in Figure 1 suggests that the most significant problems with electoral laws: the electoral system and drawing of boundaries are unfair to smaller parties. Problems with

¹ For data, please see: <https://www.electoralintegrityproject.com/data-1>

eligible citizens not appearing on the electoral register are also a weak spot. Problems the role of money in elections is also problematic – as it is around the world.

- By contrast the PEI suggests that the electoral authorities perform very well in the UK. Responses suggest the counting process, the announcement of results and security of ballot boxes, and the professionalisation of electoral officials are all areas of strength.

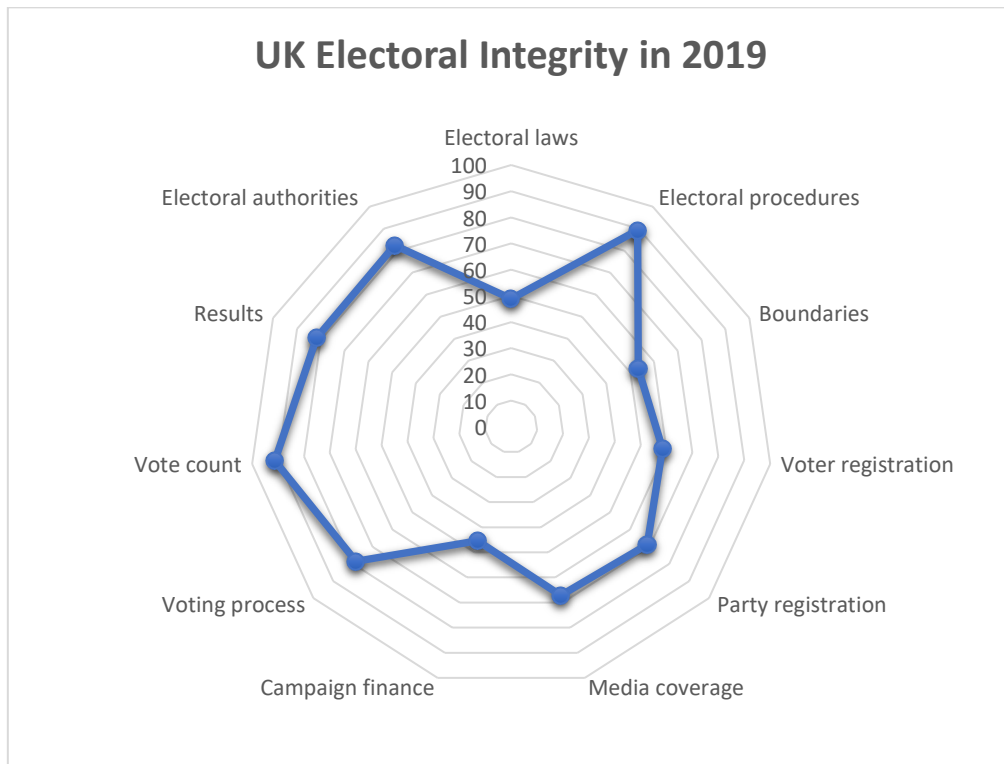


Figure 1: UK Electoral Integrity in 2019. Source: author, based on data in Garnett, James, MacGregor and Caal-Laam 2023.²

The impact of voter ID requirements on participation

- The Elections Act introduced compulsory photographic identification requirements for many elections across the UK. Prior to the Elections Act, voter identification requirements had already been piloted in the UK. We assessed the voter-id related problems that occurred in polling stations at the 2018 and 2019 local elections in England, based on a survey of poll workers.³ We also ran a survey of poll workers at the 2023 local elections.⁴ In both cases, the survey was distributed by the Electoral Commission. The sample was therefore self-selective. Table 1 summarises the results relating to the effects of voter identification on participation.

² Holly Ann Garnett, Toby S. James, Madison MacGregor, & Sofia Caal-Lam. 2023. [Electoral Integrity Global Report 2023](#).

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

⁴ Toby S. James & Alistair Clark (2023) 'The effects of Voter ID on electoral participation and integrity: lessons from Britain', Electoral Integrity Project Annual Conference, July 3-7 2023. <https://www.electoralintegrityproject.com/ieip2023>.

It also includes data on the number of occasions that poll workers encountered a case of suspected personation.

7. Column A shows that the suspected cases of personation were exceptionally low. This is also in line with previous studies that we have undertaken.⁵ In fact, by comparing our poll worker studies undertaken between 2015-2023, it seems that introducing voter identification did reduce not the number of suspected cases of personation. This is probably because there were so few cases in the first instance. This provides some evidence that voter identification is not necessary at all.
8. Column B shows that introducing voter identification requirements leads to some electors not voting, who otherwise would have done so. The proportion of poll workers encountering electors who could not vote because of voter identification issues increased between the pilots and 2023 elections. In 2023, over 70% of poll workers turned away at least one elector because they did not have the appropriate form of identification. In most cases, only a few electors seem to be affected. However, 1.9 percent of poll workers reported turning away between 11-100 electors in the polling station.
9. Column C show that some electors did not vote because they did not want to comply with the ID verification requirement. These electors may have had the necessary form of identification. However, they refused to present this, perhaps for ideological reasons. The proportions involved seems very consistent across the pilots and May 2023 elections.

	<i>Column A</i>		<i>Column B</i>		<i>Column C</i>	
	Suspected cases of personation⁶		People being turned away because they did not have the appropriate identification		People coming to the polling station but deciding not to vote as they did not want to comply with the ID verification requirement	
%	<i>Pilots</i>	<i>2023</i>	<i>Pilots</i>	<i>2023</i>	<i>Pilots</i>	<i>2023</i>
None	99.3	99.2	47.6	29.5	76.7	84.6
1	0.6	0.7	22.2	29.5	18.6	11.3
2-5	0.1	0.1	24.5	35.4	3.7	3.6
6-10	0.0	0.0	4.3	3.6	0.8	0.4
10+	0.0	0.0	1.3	1.9	0.2	0.2

Table 1: Frequencies of personation and cases of citizens not being able to vote because of voter ID. Percentage of all responses shown.

Vouching as the solution

10. The voter identification requirements should be changed ahead of the general election otherwise many people will not vote because of the over-burdensome requirements. One way to achieve this is to extend the range of forms of voter identification which are accepted.

⁵ Alistair Clark and Toby S. James (2017) '[Poll Workers](#)' in Pippa Norris and Alesandro Nai (eds), *Watchdog Elections: Transparency, Accountability, Compliance and Integrity*. Oxford and New York: Oxford University Press.

⁶ The question wording in 2018 and 2019 was 'suspected cases of electoral fraud'.

The UK has taken a rather extreme approach in requiring *photographic* identification, when many other countries simply require non-photographic identification.

11. An alternative approach is to allow ‘vouching’. Elections in Canada have commonly used a ‘vouching system.’ Voter identification is required, but if a citizen does not have their identification available then they can still vote if they declare their identity and address in writing and have someone who knows them (and who is assigned to their polling station) vouch for them. The person who vouches for the citizen is required to provide their identity and address and can only vouch for one other person.⁷ This was previously repealed in Canada but reinstated. This would be a simple and effective way of preventing citizens who do not have voter identification on the day still being able to vote but retains security the measures.⁸

Voter registration issues persist

12. The main focus of the media attention around the 2023 elections was voter identification. However, voter registration is a greater problem. The latest estimates from the Electoral Commission were that there was between 8.3 and 9.4 million people in Great Britain who were eligible to be on the local government registers but who were not correctly registered on the December 2018 registers.⁹ A similar number will be missing from the parliamentary register. A recent report commissioned by the Joseph Rowntree Reform Trust on automatic voter registration set out measures that could introduce this long-term accuracy.¹⁰ These include:
 - The automatic registration of citizens when they receive their National Insurance Number ahead of their 16th birthday
 - Providing citizens opportunities to register to vote when they access other government service – such as the DVLA, Universal Credit or the Student Loan Company.
13. More recent research shows that automatic voter registration increases the completeness of electoral registers and also improves accuracy.¹¹
14. We also included questions in our 2023 poll worker study on the frequency by which citizens are turned away from polling stations because their name is not on the electoral register. Over half of poll worker encountered people wanting to vote but who could not because their name was not on the electoral register (Table 2).

⁷ <https://www.elections.ca/content2.aspx?section=id&document=index&lang=e>. Also See: Toby S. James (2020) *Comparative Electoral Management* (London and New York: Routledge).

⁸ Toby S. James ‘A Bipartisan Compromise On Voter Identification Is Needed In The Uk. Canada Has A Blueprint’, Political Studies Association Blog, <https://www.psa.ac.uk/psa/news/bipartisan-compromise-voter-identification-needed-uk-canada-has-blueprint>, 13 October 2021.

⁹ <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/accuracy-and-completeness-electoral-registers/2019-report-2018-electoral-registers-great-britain/completeness-great-britain>

¹⁰ https://www.jrrt.org.uk/wp-content/uploads/2020/04/Is_it_time_for_AVR_in_the_UK.pdf

¹¹ Toby S. James and Holly Ann Garnett (2023) (2023) ‘[The determinants of electoral register quality: a cross-national analysis](#)’ Representation,

%	People asking to vote, who were not on the electoral register
None	47.7
1	25.9
2-5	23.5
6-10	1.8
11-100	1.0
More than 100	0.0

Table 2: Responses from the 2023 poll worker study. Percentage of all responses shown.

The Role of the Electoral Commission

15. Independent electoral authorities are essential components of democracy and this is widely established in international best practices and by academic research. Independence from the government of the day is important because it prevents an incumbent changing laws or practices to suit their political interests. It can also strengthen public trust in the political process. Just as the judiciary should be independent, electoral officials should be non-partisan.¹²

16. The Elections Act 2023 weakened the Electoral Commission's independence. It gives the government greater power by allowing it to designate a Strategy and Policy Statement. It gives Parliament (but in practice government, assuming that it has a majority) the power to examine the Electoral Commission's compliance with this.

17. This is therefore a direct violation of international best practices because it is giving the government and future governments greater control over the conduct of elections - the process through which citizens are enabled to hold government to account. This part of the Act should be repealed at the next opportunity.

Overseas voting

18. The Act abolished the 15-year limitation on eligible British citizens living overseas to be registered to vote in relevant elections in the UK. The existing practice for overseas electors casting their vote is already problematic. This relies on overseas electors being sent their vote via the international post, and the elector being able to return it in time for the count. An evaluation of the EU Referendum showed that this was not possible within the narrow electoral timetable. Electoral officials reported many instances of voters receiving their ballot too late to be returned.¹³ The Act will substantially increase the number of electors living overseas who are eligible. The case for a mix of telephone/internet voting should therefore be considered in the long term.

Consolidating electoral law

¹² Toby S. James (2020) *Comparative Electoral Management* (London and New York: Routledge)

¹³ Alistair Clark and Toby S. James (2016) 'An Evaluation of Electoral Administration at the EU Referendum,' Electoral Commission, September 2016.

19. Complex electoral law makes elections difficult to administer and adds to the risk that errors might be made.¹⁴ Parliamentary Committee have recognised and stressed the importance of legal consolidation.¹⁵ The Elections Act has added another layer of legislation which has added to the complexity of electoral law. The government should therefore pursue the long-overdue consolidation of electoral law.

20. It is therefore recommended that the Committee proposes:

- Changing voter identification laws to enable vouching
- Introducing elements of automatic voter registration
- Abolishing the ability of a government to set a Policy Statement for the Electoral Commission
- Consider ways that would enable overseas electors to cast their vote in time
- Press the case for further financial support for electoral officials
- Promote the case for the consolidation of electoral law
- Promote the case for a wider review of electoral practices – such as the electoral system and campaign finance.

¹⁴ Toby S. James (2014) 'Electoral Management in Britain' in Pippa Norris, Richard Frank and Ferran Martinez I Coma (eds) *Advancing Electoral Integrity* (New York: Oxford University Press).

¹⁵ House of Commons Public Administration and Constitutional Affairs Committee *Electoral law: The Urgent Need for Review: Government Response to the Committee's First Report of Session 2019*.