

# Unlock Democracy's response to the White Paper on Individual Elector Registration

## About Unlock Democracy

Unlock Democracy (incorporating Charter 88) is the UK's leading campaign for democracy, rights and freedoms. A grassroots movement, we are owned and run by our members. In particular, we campaign for fair, open and honest elections, stronger Parliament and accountable government, and a written constitution. We want to bring power closer to the people and create a culture of informed political interest and responsibility. Unlock Democracy also ran the Stamp Out Voting Fraud campaign that called for introduction of IER and photo ID at polling stations. For more information about Unlock Democracy please see [www.unlockdemocracy.org.uk](http://www.unlockdemocracy.org.uk)

## Introduction

1. Unlock Democracy very much welcomes the government's commitment to moving ahead with Individual Elector Registration (IER) and more generally to modernise electoral administration in the UK. This is an area where there has been considerable consensus - indeed a commitment to IER was included in all three main parties manifestos at the last election. We have been concerned for some time about the security of our elections and successfully campaigned for the last government to introduce IER.
2. Whilst this goes beyond the scope of the White Paper, we would also like a requirement for photo ID at polling stations to be introduced as well as IER, both to improve the security of the ballot and to ensure consistency of practice throughout the UK. We are currently in a somewhat unusual position of requiring someone collecting a parcel from the post office to prove their identity, but not someone wanting to cast a vote in an election in Britain. Photo ID has now been a requirement in Northern Ireland since 2002 and, combined with other changes such as the introduction of IER has been very effective at reducing electoral fraud.
3. We also welcome the fact that the government is consulting on the proposals and is making the Bill available for pre-legislative scrutiny. This is particularly important on issues such as IER, that involve fundamental changes to our democratic system.
4. We know from the experience of introducing IER in Northern Ireland that, initially at least, levels of registration will fall. This is why it is particularly important that the implementation is handled properly and minimises the risks to the comprehensiveness of the electoral register. Unlock Democracy is gravely concerned that the proposed method of implementation could lead to up to 10 million voters disappearing from the electoral register. This poses a very real

threat to both our democracy and our criminal justice system, as the electoral register is also used to select people for jury service.

5. The White Paper covers a wide range of issues but we have focused on those that we think are most likely to have an impact on levels of voter registration. Specifically the proposal that individuals should be able to choose to opt out from voter registration and that the Electoral Commission's recommendation, that a full household canvass be carried out in 2014 in addition to an individual canvass, is not being implemented.

## Opt Out

6. The White Paper proposes a fundamental shift in approach to voter registration. Currently all eligible people are legally required to provide information for the electoral register and councils also have obligations to chase up this information. It is proposed that when we move to IER this should be changed to a system whereby an individual can choose not to provide the information, and ask the council not to contact them about voting registration for one year.
7. Unlock Democracy agrees with the Association of Electoral Administrators and the Electoral Commission that this would be a very dangerous step for us to take and could lead to a significant drop in registration rates<sup>1</sup>. With only 65% of registered voters actually casting their vote in the last general election it is likely that many people would make use of the opt out. This change in the law will inevitably make it harder for local authorities and political parties to engage with those groups who are already under-represented. Together with the scrapping of the household canvass, this could lead to up to 10 million fewer people on the register, predominantly young people, people living in privately rented accommodation and members of ethnic minorities.
8. The register is a crucial tool political parties depend on to encourage participation in the political process. They have access to the edited register and use this as the basis for voter identification. Increasingly, political parties use the option of sending their Royal Mail delivered election address to each individual on the register, as opposed to each household, as it is recognised this is far more effective. Technology and limited resources combine to encourage parties to target increasingly narrowly. We have argued in the past that this trend increasingly leads to parties engaging with an ever decreasing pool of voters<sup>2</sup>; these proposed changes are likely to only exacerbate this trend.
9. As the White Paper acknowledges the electoral register is not only used for voting purposes. It is also used for credit references when applying for a bank account or mortgage, jury selection and versions of the register are

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<sup>1</sup> see evidence given to the Political and Constitutional Reform Committee Thursday 15 September 2011 HC 1463-iii

<sup>2</sup> Cite past NPN publications here.

controversially made available for commercial purposes. Were an opt out system to be introduced it would be possible for someone to decide not to be on the electoral register for reasons that had nothing to do with voting and political participation, for example out of a perception that it would reduce junk mail or a desire not to be selected for jury service.

10. Unlock Democracy campaigns for a culture of informed political interest and responsibility. As a matter of principle we do not believe that democratic participation should be treated so frivolously that people feel that opting out of the system is a simple consumer choice. They should of course be free to choose not to exercise that right or spoil their ballot, but participation in public elections should be regarded as a civic duty not an optional extra. Withdrawing from the registration process has the effect of cutting the individual off from the public debate surrounding elections months before they take place.

## **Fines**

11. Unlock Democracy is sympathetic to the belief that threatening to criminalise people for failing to register to vote is perhaps not the most effective way of addressing the reasons that people do not vote. Mark Harper MP, in his evidence to the Political and Constitutional Reform Committee, emphasised that the government was keen to promote and encourage political engagement, particularly among groups, such as young people and ethnic minorities, who are at the moment much less likely to register to vote. We welcome his commitment to this area and very much look forward to working with the government to increase political participation in politics.
12. However it should be noted that this involves changing long term cultural trends and will require significant time and resources. At a time when participation rates are already very low and when registration rates are very likely to fall as a result of implementing IER, we do not think it would be appropriate to also remove one of the most effective means councils have of improving registration rates. Although very few councils actually fine people for not providing information for electoral registration, it is common for councils to send letters clearly reminding people that it is their legal obligation to provide the information and that failure to do so risks a fine. Electoral administrators estimate that as many as 30% of people who ultimately register to vote only do so because of the threat of being fined if they don't provide the information<sup>3</sup>.
13. Therefore we think it is essential that when IER is introduced, when we know it is likely that registration rates will fall, that councils are able to retain the power to fine individuals for not providing information for the electoral register.

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<sup>3</sup> Evidence to the Political and Constitutional Reform Committee Tuesday 13 September 2011 HC 1463-ii in response to question 92

## 2014 annual canvass

14. Unlock Democracy believes that the proposal to scrap the annual household canvass in 2014 as a cost cutting exercise is misguided.
15. The annual canvass is the main way that we maintain the accuracy and comprehensiveness of the electoral register. The level of change during the year can be substantial. The Electoral Commission has found that the rate of completeness of the electoral register is likely to decline by up to 10 percentage points in the time between each annual canvass<sup>4</sup>. This is mainly as a result of population movement and the rate of decline will be higher in areas with very mobile populations such as inner London boroughs. Tower Hamlets for example, estimates that 60% of the data on the register changes as a result of the annual canvass. This is in addition to the 15,000 changes a month they receive through rolling registration<sup>5</sup>. Southwark has found that although they send an electoral registration form to everyone who contacts the council to say that they have moved in, for example to register for council tax, the vast majority - 70-90% do not send back the form and wait for the annual canvass<sup>6</sup>.
16. Moving straight to a system of canvassing individuals, rather than individuals and households as recommended by the Electoral Commission could see 2-3 million people who are eligible to vote, not being sent a form in 2014 because they have moved house<sup>7</sup>. This would be avoided if a full household canvass was run in parallel to the individual registration as proposed.
17. The 2014 canvass is particularly important, not just because it is the last canvass before the next general election. Firstly it is important that we have a good data set that we can use as a baseline to assess the impact of the move to IER. We know from the experience in Northern Ireland that it is likely that levels of registration will fall. When the first electoral register under individual registration was published in December 2002, it contained approximately 120,000 (10%) fewer names than the final register compiled under household registration<sup>8</sup>. We have highlighted a number of concerns in this consultation response about probable falls in registration. If this is to be monitored effectively then we need accurate data as a starting point.

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<sup>4</sup> The Electoral Commission *The completeness and accuracy of electoral registers in Great Britain* March 2010 [http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf)

<sup>5</sup> Evidence to the Political and Constitutional Reform Committee Tuesday 13 September 2011 in response to question 82 HC 1463-ii

<sup>6</sup> *ibid.*

<sup>7</sup> Written evidence to the Political and Constitutional Reform Committee <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmpolcon/writev/1463/ea10.htm>

<sup>8</sup> The Electoral Commission *Electoral Registration in Northern Ireland: Accuracy and Comprehensiveness Research Report* 2007

18. Secondly, but more importantly, this is the data set that will be used to determine the new constituency boundaries. The Parliamentary Voting Systems and Constituencies Act introduced a system of boundary reviews whereby a constituency for the House of Commons will be determined by the number of registered electors in area.
19. We already know both from the experience of Northern Ireland and from data on completeness of the current electoral register that young people, BME groups and those living in privately rented accommodation are the most likely to fall of the register as a result of the move to IER. When you take into account both that millions of people could be missing from the register and that specific groups, who tend to be concentrated in urban areas, are more likely to be missing from the register, this could have a profound effect on the redrawing of constituency boundaries.
20. This would, in all likelihood, have a significant political effect as the groups who are most at risk of falling off the register, if these changes are implemented, are more likely to vote Labour<sup>9</sup>. There is a real danger that of changes to electoral administration are perceived to be about partisan advantage that trust in our political system will further decline.
21. It is interesting to note that when Democratic Audit did modeling of the how the new boundaries could work, they found quite different results even between the 2009 and 2010 electoral register data<sup>10</sup>. It is possible that urban areas with very mobile populations such as London, Manchester and Glasgow could lose electoral representation even though their populations will not have decreased.

## **Jury Service**

22. We have already identified how, if these changes are implemented, it would be possible for 10 million voters to fall off the electoral register and that this is particularly likely to affect young people, those living in privately rented accommodation and BME communities. We have also argued that this would undermine our democracy.
23. However it is important to recognise that this would also impact on our criminal justice system. The electoral register is also used to select people for jury service. This is an important duty that we are all required to perform as members of this society. There is a grave danger that if specific groups of people fall of the

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<sup>9</sup> Evidence given to the Political and Constitution reform Committee by Dr Roger Mortimore on Thursday 8th September 2011 in response to question 25 HC 463-i

<sup>10</sup> Evidence given to the Political and Constitution reform Committee by Dr Stuart Wilks-Heeg on Thursday 8th September 2011 in response to question 49 HC 463-i

electoral register, they will not be called for jury service and juries to become less representative of the communities that they serve.

### **Carry over provisions**

24. We welcome the government's commitment to 'carrying over' the registrations of people who registered in 2013 but fail to do so in 2014, although they will be ineligible for a postal vote. This will help to limit the numbers who fall off the electoral register, at least among those who do not change address during that period. Northern Ireland did not do this when they implemented IER and were forced to go back and reinstate approximately 700,000 voters to the register<sup>11</sup>. It is good to see that lessons have been learnt for the Northern Irish experience.
25. We are sympathetic to the argument put forward by organisations such as Age UK that postal votes should be 'carried forward' rather than requiring everyone who votes by post to fill in an individual form from the outset. There is certainly an argument that to be consistent all voters that are 'carried forward' should be able to vote in the same way as that have done previously. Postal votes are also an important means of making elections accessible to older people and some disabled groups. However postal voting is the area of our electoral administration that is most open to fraud and therefore, on balance, we agree with the government that the carry over should only apply to those people who vote in person.

### **Electoral Commission recommendations**

26. As noted in the introduction, the Electoral Commission first proposed the introduction of IER in 2003. While we are pleased that there is now political consensus on this issue and that the current government is prioritising its implementation, we are concerned that it is all too easy for electoral administration matters to fall by the wayside. Currently although the electoral Commission has an obligation to report on elections in the UK and electoral administration matters, the government does not have an obligation to formally respond.
27. Unlock Democracy believes that the government should have a statutory obligation to respond to recommendations from the electoral Commission within 6 months of publication. This would put Electoral Commission recommendations on the same footing as those from the Law Commission. The level and form of response would of course be a matter for the government of the day. However we feel it is important that something as important as the security of elections and the administration of our democracy should receive a prompt formal response. Otherwise there is a danger that important but not necessarily headline grabbing reforms could easily be missed.

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<sup>11</sup>The Electoral Commission *Electoral Registration in Northern Ireland: Accuracy and Comprehensiveness Research Report 2007*

## Conclusion

28. Unlock Democracy notes the arguments put forward by both the Electoral Commission and the Association of Electoral Administrators against the ending of compulsory voter registration and the scrapping of the 2014 canvass. We also note that the Deputy Prime Minister has already stated he is minded not to implement the opt out provisions. This is very welcome. We therefore hope that the plans to introduce an opt out and to scrap the annual household canvass in 2014 will be dropped.
29. In addition we believe that it is essential that the processes for the implementation of IER and the boundary review in 2015 are separated. There are a number of ways that this could be achieved, for example the implementation of IER could be delayed by one year or the boundary review in 2015 could be scrapped. If the processes remain linked as currently proposed there is a very real danger that urban areas will be under-represented in Parliament.
30. We are also concerned that this could be perceived as being introduced for partisan purposes, as the Labour Party is likely to be disproportionately affected by these changes, this could further undermine trust in our democratic system.
31. We know from Northern Ireland that registration rates will initially fall after the introduction of IER. We also know that the people who are least likely to be on the electoral register are young people, those living in privately rented accommodation and people from a BME background, and that registration rates are already lower in urban heavily populated areas. It would be profoundly unfair if these very low registration rates were used to determine the number of MPs an area had to represent them.
32. Finally, it would be good practice when implementing what is acknowledged to be a substantial change to our system of electoral administration to run pilot programmes targeted at those groups who are most likely to be adversely affected by the change, before it is rolled out at a national level. Whenever change is implemented there are effects that cannot be predicted, however well the process is run. Running pilots with targeted groups can help to identify any practical issues that may arise and ensure that the full implementation runs smoothly.