

## The Electoral Commission's response to the Government's White Paper and draft legislation on Individual Electoral Registration (Cm 8108)

### Introduction

The Electoral Commission is an independent body set up by the UK Parliament. Our aim is integrity and public confidence in the democratic process.

Our principles for elections and party finance are:

- Trust
- Participation
- No undue influence

Our key objectives are to ensure:

- Transparency in party and election finance, with high levels of compliance
- Well-run elections, referendums and electoral registration

We support the introduction of Individual Electoral Registration (IER) as an important improvement in how people register to vote. The Commission has been calling for IER to be implemented in Great Britain since 2003 because it is important to give individuals clear ownership of their own right to vote (rather than leaving this to a 'head of household'); and because it should make the electoral register more secure.

However, in order to achieve these objectives – and particularly to guard against the risks brought about by such a major change to our electoral registration system (the biggest since the introduction of the universal franchise in 1928) – it is vital that the change is managed and implemented carefully and with full consideration to identify the best approach.

We welcome the fact that the Government has published this White Paper and draft legislation on IER, and the fact that these have been referred to the Political and Constitutional Reform (PCR) Committee as part of pre-legislative scrutiny. The Commission submitted written evidence to the PCR Committee, and gave oral evidence on 15 September 2011.

The Commission will play a key role during the transition from household to individual registration:

- We will provide the UK Parliament with robust evidence about the implementation of IER. As the independent expert body for elections and electoral registration, we will develop and deliver a programme of research to support scrutiny and assessment of the impact of these changes.
- We will support the Government, Electoral Registration Officers (EROs) and others to ensure that a clear and robust plan is developed for implementing IER.
- We will provide guidance and support to help EROs collect personal identifiers, and monitor delivery across Great Britain via our performance standards framework. We will also design the new voter registration forms.
- We will develop and coordinate a programme of public awareness activity to ensure electors understand how to register to vote under the new system.

Our response to the White Paper and draft legislation makes a number of recommendations for changing the approach, the most important of which are highlighted below:

The UK Government and the UK Parliament:

- should require EROs to run a full household canvass in 2014, which should also be used to explain to electors that the system is changing. This should be followed as soon as practicable by a separate process of collecting identifying information from each elector identified as eligible in that canvass.
- should not pursue the proposal to allow a person to respond to an invitation to register by indicating that they do not wish to be chased (the 'opt out').
- should consider how to ensure that the change is delivered consistently, and that electors receive a consistent service, across Great Britain. In particular, they should consider our proposal that the Commission should be given a power to intervene where necessary, to ensure that EROs take steps to meet agreed performance standards.
- should ensure that sufficient funding is available for the activities involved in implementing the change from household to individual electoral registration.
- should consider our proposal that the PCR Committee's role should be extended specifically to cover scrutiny of the IER implementation process. This will ensure that IER maintains visibility beyond the passage of the IER Bill and ensure that political parties, parliamentarians and other stakeholders are given further opportunities to monitor the change.

The UK Government:

- should publish a detailed implementation plan at the same time that they introduce legislation on IER to the UK Parliament – that is, towards the end of 2011/beginning of 2012 - so that EROs, suppliers and the Electoral Commission can provide properly detailed scrutiny and advice to the Government and Parliament about the feasibility of the detailed implementation process.
- should publish detailed secondary legislation in draft, at the same time as they introduce the primary legislation to Parliament – that is, towards the end of 2011/beginning of 2012.

This paper begins with a summary of our key recommendations. It then presents our detailed views on the Government's proposals on IER.

# Summary of recommendations

## The electoral register in context

1. The UK Government and the UK Parliament should clearly acknowledge that changes to the electoral registration process have an impact beyond how electoral registers are used to establish people's right to vote – they are the basis for other important civic procedures, including drawing ward and constituency boundaries, selecting juries, preventing and detecting crime and supporting the credit reference process.
2. The edited electoral register should be abolished, as we and a range of others argued in response to the Government's consultation in 2010.<sup>1</sup> This is particularly important, given the need to maintain people's confidence in the security of their personal details.
3. People are concerned about the uses to which any personal data they supply may be put. The Government and Parliament should ensure that the IER secondary legislation outlines in detail the safeguards for personal data that will be in place under IER.

## Improving accuracy

4. The IER system must enable the comparison of electoral registers held by different EROs to ensure that duplicate entries can be identified, and ineligible duplicate entries removed. The Government should begin consulting on how this process will work (including the implementation timescale and costs) by the end of 2011 at the latest.
5. The Government and Parliament should not take a decision about the destruction of any identifying information to be submitted under the new system, until there is clarity as to how duplicate entries will be detected and, if necessary, acted upon.
6. The Government and Parliament should ensure, based on evidence from the relevant experts, that the proposal not to require a signature among the personal identifiers an elector must provide as part of their application to register under IER, will not compromise people's trust in the IER system, the security of the system, or the ability to investigate and deal with potentially fraudulent registrations.
7. The Government and Parliament should not pursue the option of giving people the choice of not supplying the required identifiers simply because they are 'unwilling'. Any exception to the general requirement for the National Insurance Number (NINO) and Date of Birth (DOB)

---

<sup>1</sup> Electoral Commission (2010) Response to the Ministry of Justice consultation *Electoral Registers: Proposed Changes to the Edited Register* ([http://www.electoralcommission.org.uk/\\_\\_data/assets/pdf\\_file/0005/86927/Response-to-the-Ministry-of-Justice-consultation-final.pdf](http://www.electoralcommission.org.uk/__data/assets/pdf_file/0005/86927/Response-to-the-Ministry-of-Justice-consultation-final.pdf))

should be available only to those who are **unable** to provide the information.

8. Those people who are unable to provide their DOB and NINO should be required to provide two forms of identification from a specified list – similar to the approach in Northern Ireland – where electors are required to provide evidence as to proof of residency, but may sign a declaration if they are unable to supply any of their identifying information.
9. The Government and Parliament should give further consideration to other methods of address verification that could be based on a power to request documentary proof of residency, on data-matching, or on a combination of the two.
10. The Government and Parliament should explore the extent to which it would be useful and viable for EROs to seek confirmation from the United Kingdom Border Agency (UKBA) of an applicant's nationality and immigration status – for example, to check whether a person has been granted leave to remain where there is still uncertainty about their status.
11. The Government and Parliament should ensure that there are adequate contingency arrangements available that will enable manual verification to take place as a back-up should the technical infrastructure not be in place and successfully working by 2014.

## Maintaining completeness

12. The Government's proposed approach to building electoral registers for the first time under IER in 2014 carries too great a risk of 'missing' people who are not already on an electoral register, or those who have moved since the previous canvass. The Government should amend its approach to this aspect of implementation.
13. The starting point for the transition to IER must be a list of electors that is, as far as is possible, accurate, up-to-date and complete. Using the 1 December 2013 register (as updated monthly from 1 January to 1 July 2014) as the basis for an individual write-out from 1 July 2014 will not achieve this; as the White Paper Impact Assessment notes, 'approximately 20% of people eligible to re-register under IER may not be invited to register individually under the first write-out in 2014'.<sup>2</sup> The measures mentioned in the White Paper to mitigate this problem are unlikely to be sufficient. The Government should abandon this proposal.
14. The Government and Parliament should instead require EROs to run a full household canvass in 2014, which should also be used to explain to electors that the system is changing. This should be followed as soon as practicable by a separate process of collecting identifying information from each elector identified as eligible in that canvass. This will ensure

---

<sup>2</sup> Cabinet Office (June 2011) *Individual Electoral Registration: Impact Assessment*, p. 26, HM Government, Cm 8109.

that the individual write-out is based on as complete and accurate an electoral register as possible.

15. The Government and Parliament should also not pursue the proposal to allow a person to respond to an invitation to register by indicating that they do not wish to be chased. This will require the ERO not to ask them to register again during that canvass period'.<sup>3</sup> Great Britain currently has a relatively high rate of electoral registration, and this supports not only establishing who is eligible to vote, but also other important civic procedures (see paragraph 1 above). Allowing people to 'opt out' of electoral registration is a significant change, and brings significant risks in this wider context.
16. We therefore welcome the fact that both the Deputy Prime Minister and Minister for Political and Constitutional Reform have expressed sympathy with concerns raised by the Commission and other stakeholders about the 'opt out' and have indicated their intention to look again at the proposals with a view to changing these before the legislation is introduced to Parliament.<sup>4</sup> The Commission will continue to keep this issue under close scrutiny.
17. The Government and Parliament should explore a wider range of sanctions and incentives to support EROs in their duty to maintain complete and accurate registers. This could include consideration of civil penalties (to be used in cases where a person has been particularly obstructive or uncooperative) and incentives targeted at particular groups in society to encourage electoral registration.
18. Both the transition to IER, and the IER system itself, must be designed – on the basis of thorough testing – to be as accessible as possible, particularly for those people who may find the system more difficult. No one should lose their right to vote because the system is too complicated. We welcome the Government's suggestion of opening up new channels to register, such as by telephone or online. The Government should provide more detail about its plans in these areas as soon as possible.
19. An Absent Vote Identifier (AVI) refresher exercise should be used in advance of 2014 to collect identifiers (including the NINO) and to forewarn absent voters of the changes ahead. Measures also need to be put in place, backed up by appropriate levels of funding, to engage with absent voters ahead of the 2015 elections.
20. Given the central role that inserts and instructions on envelopes are expected to play in identifying people who are eligible to be added to (or removed from) the electoral register in 2014 and beyond, the

---

<sup>3</sup> Cabinet Office (June 2011) *Individual Electoral Registration: White Paper*, paragraph 74, HM Government, Cm 8108.

<sup>4</sup> Oral questions to the Deputy Prime Minister (Nick Clegg MP), 11 October 2011; Minister for Political and Constitutional Reform (Mark Harper MP), Oral evidence to the PCR Committee, 13 October 2011.

Government should test these approaches more thoroughly before relying on them as key methods of managing risks to the completeness and accuracy of electoral registers in the transition year, 2014.

21. Where risk-mitigation approaches including data-matching are proved to be effective, EROs should be required to use them.
22. Whatever the outcome of the data matching trials, the Government should give further detailed consideration to a wider range of options that will help ensure the completeness of the electoral register throughout the implementation process. These options might include (a) ensuring greater consistency by EROs in using all available information sources to help maintain the register; (b) using existing powers to target particular groups of electors (e.g. students, hard-to-reach groups), types of property (e.g. residential homes, Houses in Multiple Occupation) and wards with lower response rates; (c) introducing a schools initiative similar to that used by the Electoral Office for Northern Ireland, where staff visit schools to assist eligible pupils to complete electoral registration applications.
23. Special consideration needs to be given to certain groups of electors – including service voters, the elderly, disabled people and those in care – to ensure that they are not unintentionally disadvantaged as a result of the changes.
24. EROs should be required to seek further evidence (including through data-matching with other sources of information) that an elector is no longer at an address before deciding to remove any names from the electoral register on the basis that they have been deleted from a Household Enquiry Form.
25. Both rounds of invitations to people to register under the IER system in 2014 and 2015 should be timed to take place within a designated time period across Great Britain to enable maximum impact for supporting nationwide public awareness campaigns. The timing of this requires a degree of flexibility at this stage, to allow those implementing the change to design an approach that has the best chance of achieving its objectives.
26. The Commission must be consulted on any proposal to amend or abolish the annual canvass and the draft legislation should be amended to make this absolutely clear. Further, the UK Parliament should be given a clear role in scrutinising any recommendations made by the Commission on the future of the canvass and taking the final decision on whether to accept or reject them.

## Implementation

27. The IER system must be implemented consistently across Great Britain. Electors should receive the same high quality of service, wherever they

live. The Commission stands ready to support consistent, high quality implementation through:

- expert advice on how the processes should work (including for example how registration forms can be designed to be as accessible as possible)
  - setting performance standards for, and offering advice and guidance to, EROs.
28. However, given the significance of this change, the Government and Parliament should consider how to **ensure** that the change is delivered consistently, and that electors receive a consistent service, across Great Britain. We suggest a power for the Commission to intervene where necessary, to ensure EROs meet the performance standards that are designed to achieve this.
29. This fundamental change to our electoral registration system will need significant planning and resources, during a period when local electoral registration teams are expecting heavy reductions in their resources. The detail of the implementation will determine to a large extent the success of the transition. The Government should publish a detailed implementation plan at the same time that they introduce legislation on IER to the UK Parliament – that is, towards the end of 2011/beginning of 2012 - so that EROs, suppliers and the Electoral Commission can provide properly detailed scrutiny and advice to the Government and Parliament about the feasibility of the detailed implementation process.
30. In addition, we recommend that the Government and Parliament consider extending the PCR Committee’s role specifically to cover scrutiny of the IER implementation process.
31. A significant amount of detail will be contained in secondary legislation. Those commenting on the implementation plans will need this detail in order to give their full advice to the Government and Parliament. The Government should therefore publish this secondary legislation in draft, at the same time as it introduces the primary legislation to Parliament – that is, towards the end of 2011/beginning of 2012.
32. The Government and Parliament must ensure that sufficient funding is available for the activities involved in implementing the change from household to individual electoral registration– including, for example:
- public awareness campaigns in 2014, 2015 and 2016
  - follow-up activity (including house-to-house visits) to collect personal identifiers in 2014 and 2015
  - carrying out the new procedures (such as checking identity, address and nationality) that will be needed to improve the accuracy of the electoral register;
  - new initiatives to encourage registration and address the risk of people being ‘lost’ during the transition;
  - opening up new registration channels (such as online and telephone).



33. The Government and Parliament must ensure that these resources, and other support, reach EROs when they are needed to ensure effective implementation.
34. The Government should, as part of its detailed planning for implementation, publish alongside the Bill they introduce to Parliament – that is, towards the end of 2011/beginning of 2012 – a more detailed breakdown of costs so that Parliament, advised by the Government and those who will be involved in implementing the change, can assess whether funding is likely to be sufficient.
35. The Government and Parliament should examine the experience of IER in Northern Ireland to determine what lessons can be learnt for the rest of the UK. Similarly, the implementation of IER in Great Britain should be seen as an opportunity to improve the registration system across the UK, including in Northern Ireland. The long-term aim should be the creation of a UK-wide system, with any remaining differences between Northern Ireland and Great Britain being clearly justified.

# Background, context and principles

## The electoral registration process

1. Our electoral registers are a record of the names and addresses of everyone eligible to vote in elections held in Great Britain: to vote at an election, an individual must be listed on the electoral register at the address where they are currently resident. People who are not on the electoral register cannot vote. The last date for applying to be included on the register for a particular election is 11 working days before polling day.

## Accuracy and completeness

2. In the early 2000s the Commission estimated completeness of the registers in England and Wales at 91 per cent. Although not directly comparable, this figure was broadly in line with reported estimates for Canada, New Zealand, France and Australia (which operates a system of compulsory registration and voting), and significantly above that for the USA.<sup>5</sup>
3. As of 1 December 2010 there were approximately 46 million entries on electoral registers in Great Britain<sup>6</sup>. Based on data supplied by EROs, we estimate that approximately 5 million entries in electoral registers are changed (including adding new electors and changing the entries for home movers, for example) each year.
4. In the period between each 'annual canvass', which refreshes electoral registers once a year, their accuracy declines. Research by the Commission in 2010 indicated that the accuracy and completeness of an average electoral register will decline by around one per cent each month after it is published in December each year - although this will vary depending on the characteristics of the area.<sup>7</sup>
5. No evidence (e.g. of age, nationality or residence) is currently required to support the information included on the electoral register - although the ERO may request further information (including evidence about age and nationality) if they have any doubts about a person's eligibility to be on the electoral register. The person completing the registration form must simply sign a declaration confirming that the details given are true and accurate.

---

<sup>5</sup> The Electoral Commission (2010) *The completeness and accuracy of electoral registers in Great Britain* ([http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf))

<sup>6</sup> Office for National Statistics *UK electoral statistics 2010*.

<sup>7</sup> The Electoral Commission (2005) *Understanding electoral registration: the extent and nature of non-registration in Britain* ([http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0020/47252/Undreg-FINAL\\_18366-13545\\_E\\_N\\_S\\_W\\_.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0020/47252/Undreg-FINAL_18366-13545_E_N_S_W_.pdf))

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

([http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf))

6. According to our public opinion survey findings, only 56% are confident that the system prevents people who should not be on the register from registering.<sup>8</sup>

### Estimated cost of the electoral registration process

7. We estimate that approximately £83m a year is spent on the electoral registration process in Great Britain.<sup>9</sup>

### The annual canvass

8. The annual canvass of households, held each autumn across Great Britain, is intended to help ensure that the electoral registers remain as accurate and complete as possible. The annual canvass is responsible for the vast majority of the approximately 5 million changes to entries on the electoral registers each year. A revised version of the electoral register is published on the conclusion of the canvass on or before 1 December in any year.
9. Registration applications can, however, be made at any time during the year through the process of rolling registration (see next section). Through this process electors can be added and removed:
  - on the publication of monthly notices of alteration between January and September,
  - on publication of the revised register by 1 December (or 1 February if there has been an election during the canvass period) each year, or
  - at any time where a notice of alteration is published prior to an election.

### 'Rolling registration'

10. If an eligible elector has not been included on the register following the annual canvass, or if someone changes address after the canvass has taken place, they can complete a 'rolling registration' form and submit it to the ERO for the local authority area in which they live. Changes made through this route appear on the next monthly update of the electoral register.
11. Based on data provided by EROs in Great Britain, we estimate that in a 12 month period (e.g. from 1 December 2009 to 1 December 2010) an average electoral register will have seen new additions of roughly 12% of its total size. Around 3% will have been changed as a result of applications made through the rolling registration process; approximately 9% will have been made during the annual canvass process.

---

<sup>8</sup> ICM (December 2010) *Electoral Commission winter tracker survey*.

<sup>9</sup> The Electoral Commission (2010) *The cost of electoral administration in Great Britain: Financial information survey 2007-08 and 2008-09* ([http://www.electoralcommission.org.uk/\\_\\_data/assets/pdf\\_file/0006/99645/The-cost-of-Electoral-Administration-FINAL.pdf](http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/99645/The-cost-of-Electoral-Administration-FINAL.pdf))

## Inspecting other records

12. EROs are also able to update their electoral registers based on evidence from other records. They have a power to inspect any records – including Council Tax records – kept by the local authority which appointed them (or its service providers); and records (for example, notices of deaths) held by the local registrar of births, deaths and marriages. EROs can also require any person or organisation – including housing associations, private landlords, universities and colleges, among others – to give information needed for the purposes of their duty to maintain their electoral registers. Any inspection should comply with the Data Protection Act 1998.
13. We are aware from our performance standards that the use of all the available information sources described above is not consistent across Great Britain, although we are confident that nearly all EROs do proactively identify and use the records they are entitled to inspect. We will be reviewing the performance standards in due course to improve consistency across all EROs in Great Britain. However, without a power for the Commission to intervene, this improvement cannot be guaranteed.

## Uses of the electoral register

14. As well as providing a list of people who are eligible to vote at elections, electoral registers are used for other public purposes. Elected representatives, candidates and political parties are entitled to copies, to assist in campaigning, completing nomination papers and checking the permissibility of donations. The Electoral Commission is also entitled to receive copies of electoral registers to assist with its regulation of the rules on who can donate to political parties.
15. Electoral registers are also used as the basis for ensuring representative democracy. Numbers of registered electors are used by the various Boundary Commissions to calculate electoral quotas when they review Parliamentary and local government boundaries.
16. Electoral registers are used as the basis for selecting people to undertake jury service.
17. Electoral registers are also used for certain specified law enforcement and crime prevention purposes.
18. Credit reference agencies may purchase complete copies of electoral registers, which they use to confirm addresses supplied by applicants for bank accounts, credit cards, personal loans and mortgages.
19. Complete electoral registers that are more than 10 years old may be supplied for research purposes under certain circumstances.
20. 'Edited' electoral registers are available for purchase for any use – such as direct mailing or the construction of sampling frames for large-scale surveys – but any elector may choose to 'opt out' of inclusion on the edited

register. The Commission, along with a number of other interested parties, has called for the sale of 'edited' electoral registers to be prohibited – see paragraphs 112-114 below.

## Northern Ireland

21. Northern Ireland moved from 'household registration' (similar to the system still used in Great Britain) to a system of IER in 2002. This was to address widely held perceptions of impersonation and electoral abuse in Northern Ireland.
22. Electors in Northern Ireland must provide personal identification information in the form of their DOB, NINO and signature before their name can be added to the electoral register. They must also provide a prescribed form of photographic identification before being issued a ballot paper in a polling station.
23. When the first electoral register compiled under IER was published in Northern Ireland in December 2002, it contained approximately 120,000 (10%) fewer names than the final register compiled under household registration in August 2002. Independent research conducted on behalf of the Commission at the time concluded that the drop in numbers could largely be explained by the removal of the 'carry forward' facility, which until then allowed the names of those who had not registered in any one year to be carried forward for a further year.<sup>10</sup> The introduction of IER ended this facility because the register was compiled afresh each year.
24. Not all of the change at the time could, however, be attributed to the 'carry forward' and it is likely that some of those who were registered under the old system did not register under the new system. Research at the time suggested that young people (aged 18-24), those in socio-economic group DE, people in privately rented accommodation and people with disabilities were less likely to be registered under the new system.<sup>11</sup> The introduction of the Northern Ireland (Miscellaneous Provisions) Act 2006 (the 2006 Act), which ended the annual canvass and introduced data-matching, helped increase the overall numbers registered.
25. The 2006 Act also addressed the fact that, under the system of IER, electors were being asked to provide the same information year-on-year by introducing a system known as 'continuous registration'. This means that, once an individual elector has provided the identification information required to be registered, they are not asked to re-supply the same information again unless their personal details (name and/or address) have changed. The Chief Electoral Officer for Northern Ireland updates and maintains the accuracy of the register by mechanisms such as data matching and outreach initiatives. The 2006 Act requires a canvass to be conducted in Northern Ireland every 10 years or as deemed necessary.

---

<sup>10</sup> The Electoral Commission (2003) *The Electoral Fraud (Northern Ireland) Act 2002: an assessment of its first year in operation*.

<sup>11</sup> *Ibid.*

26. We note that the White Paper refers to making consequential changes to the system of registration in Northern Ireland. We recognise that there are important lessons that the rest of the UK should learn from the Northern Ireland experience, while also acknowledging that the IER experience in Great Britain may also offer insights into how the system could be improved in Northern Ireland – e.g. the provision of new channels for registering. The long-term aim should be the creation of a UK-wide system, with any remaining differences between Northern Ireland and Great Britain being clearly justified.

## Why change is needed

27. The Electoral Commission has been recommending since 2003 that a system of IER be introduced in Great Britain, principally because the current household registration system is vulnerable to fraud as there is no requirement to provide any evidence of an individual's identity to register to vote.<sup>12</sup> This undermines trust in the system, and raises fears of undue influence. As noted, our public opinion work shows that only 56% are confident that the system prevents people who should not be on the register from registering.

28. Great Britain's system of electoral registration has remained largely the same since the Victorian period, and is one of the only systems in the world not based on registration by individuals. Instead, one person in each household is responsible for registering everyone else living at that address – they may fill the form in accurately for the whole house, they might miss off someone who should be registered or add an entry which may not be valid. The system is out-dated, not reflecting today's reality.

29. But there is another reason to change the system. A 'household' registration system means there is no personal ownership by citizens of a fundamental aspect of their participation in our democracy – their right to vote. Ownership of the right to vote is too important to be left to anybody other than the individual citizen.

30. Others, including the European Commission for Democracy through Law (the Venice Commission), the Committee on Standards in Public Life, the Joseph Rowntree Reform Trust, the Association of Electoral Administrators (AEA), the Society of Local Authority Chief Executives and Senior Managers (SOLACE) and the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) have expressed support for the introduction of IER and/or a requirement for identification as part of the electoral registration process in Great Britain.

31. Research shows that there can be problems with the **accuracy** of our electoral registers. The Commission's 2010 case study research found that, among the seven local authorities surveyed, accuracy ranged from

---

<sup>12</sup> The Electoral Commission (2003) *The electoral registration process* ([http://www.electoralcommission.org.uk/\\_data/assets/electoral\\_commission\\_pdf\\_file/0015/16053/Registration\\_9799-7973\\_ENSW.pdf](http://www.electoralcommission.org.uk/_data/assets/electoral_commission_pdf_file/0015/16053/Registration_9799-7973_ENSW.pdf))

77% to 91%, with the overwhelming cause of inaccuracy being where electors had moved home and not informed the relevant ERO.<sup>13</sup>

32. Although data for the early 2000s suggested that overall levels of **completeness** for electoral registers in Great Britain were broadly similar to those of other comparable democracies, our 2005 report *Understanding electoral registration* showed that 8-9 per cent of the eligible population in England and Wales were not registered in 2000. This would have been equivalent to 3.5 million people at that time. Comparable data was not available for Scotland.

33. The Electoral Commission, funded by the Cabinet Office, is currently working on a project designed to provide an updated, nationally-representative estimate of the accuracy and completeness of the electoral registers in Great Britain. The findings from this study are due in December 2011.

34. The consequences of inaccurate and incomplete electoral registers are that:

- People cannot vote (or are wrongly registered at a polling station perhaps miles from their new home)
- There are opportunities for people's votes to be 'stolen' if someone uses an old entry on the register to vote in the name of someone who has moved away
- People are not contacted by candidates and political parties campaigning during an election; or, campaigners find themselves writing to, or visiting, people who are no longer there
- People are not counted in setting ward and constituency boundaries
- People are not summoned for jury service

35. It is important to note that people who, though eligible, are not on electoral registers are not spread evenly across society and across Great Britain. People who have recently moved house are less likely to be on the electoral register, although other factors are also relevant. Our research has shown that particular groups who are less likely to be on electoral registers include:

- Young people (17-24 year olds)
- Private sector tenants
- Black and minority ethnic British residents.<sup>14</sup>

---

<sup>13</sup> The Electoral Commission (2010) *The completeness and accuracy of electoral registers in Great Britain*

([http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf) )

<sup>14</sup> The Electoral Commission (2005) *Understanding electoral registration: the extent and nature of non-registration in*

*Britain*([http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0020/47252/Undreg-FINAL\\_18366-13545\\_E\\_N\\_S\\_W\\_.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0020/47252/Undreg-FINAL_18366-13545_E_N_S_W_.pdf))

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

36. The Electoral Commission is clear that introducing IER is the right thing to do, because of the need:

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

37. But this means that:

- We must ensure that IER really does ensure much greater **accuracy** – any new system must deal especially with the issue of home-movers, which means dealing with duplicate entries.
- We must not lose the strengths of the current system in terms of **completeness** - the current annual canvass approach produces high levels of completeness.
- We must be especially careful to design a transition process that ensures that eligible people who are currently on the register, but only because someone else has entered them, do not drop off the register simply because they are not used to, or have problems with, the registration process.
- We agree with the Government that we should take opportunities to find new ways to reach people who are not currently on the register, and give them the chance to register.
- We must reassure people that the personal data they will be asked to provide, will be kept safe.

38. Moving to IER is absolutely right. But we have stressed all along that this is a significant change to the system of registering to vote. It carries significant risks and so it needs to be carefully managed.

## Principles

39. In June 2010 the Electoral Commission published principles which we believe should underpin the changes to the registration system. These principles – outlined below - are informed by the need to ensure that the move to IER is managed carefully and implemented in a way which recognises the fundamental importance of voters participating in electoral and democratic processes, and being able to trust the way our elections work.

---

([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) )



- The system should not prevent anyone who is eligible to take part in elections in Great Britain from registering to vote
- The system should ensure that anyone who is not eligible to vote is not included in an electoral register
- These changes to the system should be easily explained to, and understood by, electors
- The system should ensure that all personal data is properly managed and protected
- The system should be capable of being implemented efficiently and without a detrimental impact on the existing duties and responsibilities of EROs.

## Registration as personal choice

40. In the White Paper proposals there is an important suggestion (in draft clause 5 (9E(2)(d)) and paragraph 74 of the White Paper) that the legislation will allow a person to indicate to the ERO in response to the invitation to register that they do not wish to be chased – this will require the ERO not to ask that individual to register again during that canvass period. The White Paper states that this ‘will ensure that ... EROs direct their resources to finding eligible electors who want to be registered’. Although the White Paper makes clear that ‘it will not be possible for an elector to declare that they do not wish to be registered on a permanent basis’, there is in practice nothing to prevent people from ‘opting out’ of the registration process on a permanent basis, simply by taking this option every year.

41. The Commission has significant concerns about this proposal. We do not want to see a move away from the current approach - where electoral registration, while not compulsory, is nevertheless regarded as an important civic duty. The electoral register is not just a record of an individual’s private choice about whether or not they intend to cast a vote at elections, but is also used for important wider public purposes. Not being on the electoral register leads to a range of consequences, apart from being unable to cast a vote, including that people will not:

- be contacted by candidates and political parties campaigning during an election
- be counted in setting boundaries
- be summoned for jury service

42. The current approach to maintaining electoral registers is conducted in the context of a strong expectation that the ERO will work hard to produce as complete and accurate a register as possible, and that citizens will cooperate by providing information for that. Whether or not they then vote is up to them.

43. If citizens are able to 'opt-out' of the registration process, as proposed in the White Paper and draft legislation, then there is an increased risk that registration levels (currently 90%+) will drop towards around election turnout levels (65% at the last election to the UK Parliament in 2010, much lower at other elections).
44. We would also question the value of the proposed 'opt-out' on the following grounds:
- if little or no evidence of identity is required to 'opt-out', it would be possible to disenfranchise others unscrupulously by preventing them from being contacted by EROs (and by political parties who would later use the register to campaign);
  - if, on the other hand, the level of evidence of identity is similar to that required to register, it is hard to see the value of the provision. This is because an individual who wishes to 'opt-out' would still need to contact the ERO and prove their identity, as they would be required to do in order to register.
45. Whatever the arguments for and against using electoral registers as the basis for drawing ward and constituency boundaries, or summoning juries, the fact is that they are used for these wider civic purposes at present. If the numbers of people on electoral registers dropped significantly, there would be serious consequences for our wider civic processes. In our evidence to the PCR Committee we said that the proposed 'opt-out' has the potential to make a significant change to the level of completeness of the register, which may have much wider consequences for our democracy.
46. Others, including the Assistant Chief Electoral Officer for Northern Ireland, the AEA, SOLACE, the Electoral Reform Society and Democratic Audit, raised similar concerns in their evidence to the PCR Committee.<sup>15</sup>
47. We therefore welcome the fact that both the Deputy Prime Minister and Minister for Political and Constitutional Reform have expressed sympathy with concerns raised by the Commission and other stakeholders about the 'opt out' and have indicated their intention to look again at the proposals with a view to changing these before the legislation is introduced to Parliament.<sup>16</sup> The Commission's view is that the completeness of our electoral registers and the long-standing principle of electoral registration as an important civic duty must not be jeopardised by introducing an 'opt-out'. The Government should therefore abandon any such proposals. The Commission will continue to keep this issue under close scrutiny.

---

<sup>15</sup> The Government's proposals on Individual Electoral Registration and Electoral Administration - Written and oral evidence to the House of Commons Political and Constitutional Reform Committee.

<sup>16</sup> Oral questions to the Deputy Prime Minister (Nick Clegg MP), 11 October 2011; Oral evidence to the PCR Committee by the Minister for Political and Constitutional Reform (Mark Harper MP), 13 October 2011.

## Sanctions and incentives to register

48. Linked to its position that registering to vote is a matter of personal choice, the Government proposes not to apply the offence of failing to comply with a request for information from an ERO to people who have been sent the individual form.
49. Electoral registration is an important civic duty and this feature of our democratic system should not be diluted in any way. EROs should be given the necessary tools to enable them to maintain their electoral registers effectively.
50. There is a debate as to whether the offence of failing to comply with a request for information from an ERO should be retained for people who have been sent individually-addressed forms. Our research has shown that when asked about the registration process outside of the canvass period, 83% were not aware of the risk of being fined for failure to register to vote.<sup>17</sup> However, these findings should be treated with some caution as it may be difficult for people to recall their motivation after the event. In addition, as the form is currently household-based, it is likely that a significant proportion of people will not have seen the form. Only a few local authorities have successfully prosecuted people for failing to comply with a request for information, but such cases tend to be the exception.<sup>18</sup>
51. While we cannot demonstrate that the threat of prosecution is a factor when deciding whether to complete and return the form, anecdotally some have suggested that it can be. In addition, 91% (or 314) of EROs who responded to our survey of ERO practices warn households of potential prosecution or fine for not responding to the canvass.<sup>19</sup> Further, we are aware that electors in Northern Ireland are also advised on the registration form that it is an offence not to complete the form and that a small number of cases have been prosecuted in recent years.
52. Although we understand the Government's argument for disapplying the offence for individual applications (particularly given its view that electoral registration is a matter of personal choice) we believe that the threat of sanctions should form part of a system which should continue to be based on the principle of electoral registration as a civic duty.
53. We are not, however, persuaded that the current system, with the threat of criminal convictions in a Magistrate's Court, is necessarily the best way of ensuring that EROs comply with their legal duty to maintain complete and accurate electoral registers.
54. The Government and Parliament should therefore explore the option of introducing a system of civil penalties (to be used in cases where a person

---

<sup>17</sup> Ipsos-MORI (May 2010) *Post-election survey: general and English local elections*.

<sup>18</sup> For example, in 2009 there were 67 such prosecutions in Great Britain spread across just three (out of 379) local authorities (41 prosecutions in the London Borough of Hounslow, 20 in Scarborough and 6 in Woking).

<sup>19</sup> The Electoral Commission (2010) *Survey of ERO practices*.

has been particularly obstructive or uncooperative), but also a range of incentives to encourage people to complete and return the form.

55. We note, for example, that in Northern Ireland the Chief Electoral Officer used a free prize draw to encourage people to register. The annual cost of the draw was less than £5,000 and anecdotal evidence suggests that it proved a significant factor in encouraging electoral registration among young people. We understand that the Chief Electoral Officer is in the process of developing a more focused, smaller-scale incentive scheme (offering vouchers as prizes) as part of his schools initiative and targeting young people.
56. We believe that, rather than focusing solely on the question of offences and sanctions, the debate must be widened to include evaluation of options for incentivising electoral registration during the implementation of IER. The Government and Parliament should therefore consider this issue further.
57. We note that the Government does, however, intend to retain the offence for failure to respond to a household enquiry on the grounds that this could potentially disenfranchise others in the household. We support this proposal.
58. On a related point, the Government should confirm that the offence of giving **false** information to an ERO will apply in relation to individual applications.

## Accuracy

### Detecting duplicate entries

59. Improving the accuracy of our electoral registers is a key aim of the change to IER. The ability to identify ineligible duplicate entries must therefore be an essential feature of the new system; without it, there is a considerable risk that the accuracy of our registers will be compromised – and public confidence with it. Failure to check and eliminate ineligible duplicate entries will mean that the system is still potentially vulnerable to fraud because it would be hard to detect the same person registering to vote in multiple local authority areas. This would seriously undermine one of the Government's key reasons for introducing IER, that is to improve the security of and public confidence in electoral registration.
60. It will be important for the various electoral registers across the country to be cross-checked against each other to identify and where necessary eliminate ineligible duplicate entries. (This will also help to identify and remove entries for people who have died; currently, the Registrar notifies the ERO for the area where the death takes place, not the area where they were resident – cross-checking will allow the correct ERO to be informed of the death and update their register). Any solution will of course also need to recognise that some duplicate entries will be legitimate. It is

essential that there is a process which enables these entries to be distinguished from illegitimate ones.

61. The White Paper does not make clear how these key outcomes will be achieved, and the Government should begin consulting on potential solutions (including their implementation timescales, and costs) by the end of 2011 at the latest.

## Verifying identity

62. The Government proposes that in order to be included on an electoral register, people will be asked to provide their NINO and DOB, which will then be checked against Department for Work and Pensions (DWP) or HM Revenue & Customs (HMRC) databases - but that there will be no requirement for a signature. The White Paper explains that a signature 'does not add any significant security to an application nor is there the facility to verify the authenticity of the signature' and that removing the requirement for a signature 'will also enable registrations to be made through new channels such as online or by telephone'.
63. Despite this view, it should be recognised that a handwritten signature is a piece of information that is genuinely personal to the individual and, as such, would not easily be known or replicated by others. By contrast, a person's NINO and DOB probably would be known, or could easily be obtained, by several other people – for example, by an employer. Knowing or obtaining these two pieces of information would therefore in theory make the process of registering someone without their knowledge quite straightforward. A handwritten signature would make fraudulent registration more difficult insofar as the elector would be required to produce a signature, which could then be checked in cases of doubt and tracked back in case of allegations.
64. While we welcome an approach which simplifies the range of information people are asked to provide for checking, the Government should therefore confirm with the police and prosecutors that removing signatures from the proposed list of required personal identifiers would not compromise the security of the electoral registration system, or the ability to investigate potentially fraudulent registration. If the Government decides that a signature should also be required, then it would need to develop an equivalent piece of personal identification that would perform the same function for online and telephone registration.
65. We note that the Government has not proposed removing the requirement to provide a signature when applying for and returning postal and proxy votes. We support the retention of the signature for absent votes as they have proved essential in the prevention, detection and investigation of cases of postal voting fraud.
66. Any system of verification must include accessible and robust alternatives for people who are unable to provide a NINO and/or DOB, or in circumstances where attempts to verify the identifiers prove unsuccessful.

67. The White Paper (paragraph 51) suggests an exceptions process that would be available for those who are unable **or unwilling** to provide the specified identifying information.
68. We would not support giving people the option of not supplying the required identifiers simply because they are 'unwilling'. Such an approach risks undermining public confidence in the integrity of the IER system; and could also lead to inconsistent practices across local authorities. The Commission considers that any exception to the general requirement for the NINO and DOB should be available only to those who are **unable** to provide the information.
69. We also question the need for a separate exceptions process for those unable to provide their NINO and DOB. Instead of providing their DOB and NINO, such people should be required to provide two forms of identification from a specified list – similar to the approach in Northern Ireland – where electors are required to provide evidence as to proof of residency, but may sign a declaration if they are unable to supply any of their identifying information.
70. We note that the legislation will allow digital identity assurance should these services become available in the future. We agree that it makes sense to provide flexibility in the legislation in the event that improved methods of verification become available.

## Address verification

71. The Government specifically asks for views on its proposals for establishing evidence of a connection between an individual and an address. With respect to unsolicited applications (e.g. online), the Commission is concerned that the process involving a sending a unique identifying number (UIN) to the property by mail, which must then be quoted to the ERO in order to prove a link with that address, may create a significant additional burden for both electors and administrators.
72. We know that significant volumes of people use the Commission's public website - in the run-up to the 2010 UK general election, over 500,000 voter registration forms were downloaded. We are concerned that applications downloaded and submitted close to the registration deadline would not have time to undergo the UIN verification process before the election, and that the UIN would only offer limited proof of residency as it may be easy to redirect or intercept the letter from the ERO, as highlighted in the London School of Economics' written evidence submitted to the PCR Committee.<sup>20</sup>

---

<sup>20</sup> The London School of Economics (2011) Written evidence submitted to the House of Commons Political and Constitutional Reform Committee.

73. Further consideration should be given to other methods that could be based on a power to request documentary proof of residency, on data-matching, or on a combination of the two.

## Checking nationality

74. The White Paper asks for views on whether the current system is sufficient for checking nationality or whether it should be improved. As noted in the White Paper, current legislation enables an ERO to request evidence of nationality from an applicant at any time. While this gives an ERO considerable authority to elicit information from the applicant, there may be circumstances in which it may be useful for the ERO to seek confirmation from the United Kingdom Border Agency (UKBA) of an applicant's nationality and immigration status – for example, to check whether a person has been granted leave to remain where there is still uncertainty about their status. On that basis, we believe this option should be explored.

75. However, it is questionable whether it would be beneficial and/or possible to check **every** applicant's nationality before adding them to the register. UK citizens without a passport would we assume not be on the UKBA's database and so presumably would not have their nationality verified. Therefore, it may be possible to circumvent this verification process simply by claiming to be a UK citizen. These issues would need to be resolved if there were to be a viable nationality verification process. It should be noted that limited available evidence suggests that only a very small proportion of register entries (0.4%) were deemed inaccurate on grounds of incorrect information concerning nationality.<sup>21</sup>

## Developing an IT solution

76. The development of a robust, reliable and cost-effective verification process for IER will be critical to its success. Clearly, much of this will depend on the development of an effective IT infrastructure solution that will as far as is possible enable these checks to be automated. We are concerned that with only around two and a half years before verification begins, there is limited time within which to develop, fully test and implement such a solution. We will do everything we can to help develop the approach, but there is clearly a risk that the system will not be ready. The Government and Parliament should ensure that there are adequate contingency arrangements available that will enable manual verification to take place as a back-up should the technical infrastructure not be in place and successfully working by 2014.

---

<sup>21</sup> The Electoral Commission (2010) *The completeness and accuracy of electoral registers in Great Britain*, p.77  
([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))

## Destruction of records

77. The White Paper proposal is for applicants' NINOs to be destroyed within a period of six months following verification, but for the DOB to be retained 'to help to identify ineligible duplicate entries in another ERO's register and make the process of data matching the electoral register against other data sources easier'. At this stage, we would recommend that the Government does not take a decision about the destruction of any identifying information to be submitted under the new system, until there is clarity as to how duplicate entries will be detected and, if necessary, acted upon.
78. The Government should also consider whether there will be a need for EROs to retain hard copies of registration forms – whether individual or household – to assist in any subsequent criminal investigations which would want to see these. This is not addressed in the White Paper and we would recommend consultation with the police and prosecution authorities on this point.
79. We note that Clause 2 of the draft legislation confers powers on the Secretary of State to make regulations, including provision 'about the keeping or disposal of information' obtained by EROs and any other person. We would welcome clarification from the Government as to whether this would include the security aspects of personal data, and whether these are to be dealt with in secondary legislation, guidance, agreement or other means.

## New offence

80. The Government proposes to 'introduce a new offence in regulations relating to the disclosure of any information provided for verification purposes – whether that is provided by the applicant, or provided by another authority (e.g. DWP) in response to a verification check'.<sup>22</sup> Although we support the thrust of this policy, the circumstances under which Clause 2 of the draft legislation provides for an offence, i.e. disclosure in breach of regulations, appear to be narrower than the circumstances set out in the White Paper (which in paragraph 25 envisages an offence for the broader term 'misuse'). The draft legislation does stipulate the use to which the information is to be put – by the ERO and others who are required to carry out checks. We therefore think there is a case for widening the offence to unauthorised 'use or disclosure'. This would be similar to the offence of unauthorised use or disclosure of the electoral register under the Representation of the People (England and Wales) Regulations 2001.

---

<sup>22</sup> Cabinet Office (June 2011) *Individual Electoral Registration: White Paper*, paragraph 53, HM Government, Cm 8108.



81. It would also make sense to consider how any proposed new offences dealing with the disclosure of information relate to existing data protection offences under the Data Protection Act 1998.

## Completeness

### The transition to IER

82. The process of moving from a system based on household registration to one in which individuals take personal responsibility for registering is challenging and needs careful planning.

83. The starting point for the transition must be a list of electors that is, as far as is possible, accurate, up-to-date and complete. Based on that list, there then needs to be a process of collecting identifying information from those electors to re-build the electoral register on the basis of IER.

84. The Government has proposed the following approach:

- The starting-point will be the electoral registers published on 1 December 2013, which will be updated monthly in the usual way to take account of deaths, and 'rolling registration' notifications and applications from 1 January 2014.
- Starting on 1 July 2014, EROs will send IER forms to each person on their electoral register at that date (and to everyone who wants to join the electoral register from then on). IER forms will ask each individual to give the following information:
  - Name
  - Address (and previous address within the last 12 months – which will enable EROs to notify their counterpart in another local authority area that a registered elector has moved)
  - Nationality
  - Personal identifiers (see paragraph 62 above)
  - Whether they want to be on the edited register
- Alternatively, the individual will be given the option to 'opt-out' of the registration process altogether, and will then not be contacted again by the ERO until the 2015 household canvass.
- IER forms will include an insert which asks people to whom they are addressed to give the details of anyone else who lives at their address and has not received an IER form – return of this insert will prompt EROs to check whether they need to send out an additional IER form.
- In addition to the individually-addressed IER forms, Household Enquiry Forms (HEFs) will be sent in 2014 to all properties where no electors are registered on 1 July 2014, including new homes.
- EROs will continue to be subject to their existing duties – that is, if they do not receive a response to the IER forms, they must send reminders and make doorstep enquiries where necessary.

- If someone who is included on the 1 July 2014 electoral register does not respond to the IER form, or chooses to 'opt-out', they will not be removed from the register (unless the ERO has evidence that they are no longer eligible) and will be 'carried forward' to the electoral register published in December 2014. These electors will therefore still be able to vote at elections in 2015; which are expected to include a UK Parliamentary general election and local elections in most of England.
- The Government proposes that electors who are recorded on the 1 July 2014 electoral register as wishing to vote by post or proxy will 'automatically lose the right to use this method of voting'. Under the carry forward arrangements they will still, however, be able to vote in person at a polling station.
- The canvass in 2015 will see a HEF (which will be like the current canvass form) sent to every house. Once returned, each person listed who has not already provided personal identifiers will be asked to do so. No one who has not had their identity verified will be included on the electoral register published on December 2015. To vote in any election after this time it will be necessary for the ERO to have verified a person's identity.

85. The Commission supports the Government's proposal to use a 'carry forward' provision during the transition to IER. The introduction of IER in Northern Ireland shows that, however well-designed the process and however clear the accompanying public information messages, by no means all eligible electors will respond to the change in the first transition year, so it is sensible to allow a limited 'carry forward' provision for people on the December 2013 electoral register who do not respond to the 2014 canvass.

86. The Commission nevertheless sees the following risks with the Government's approach to the transition:

- We know that significant numbers of registered electors move during each year,<sup>23</sup> and we estimate that approximately 5 million entries in electoral registers are changed (including new electors and home movers, for example) each year.
- The vast majority of changes each year are identified by the annual canvass process, rather than monthly rolling registration updates, and our research suggests that by July 2014, the December 2013 electoral registers will be, on average, 5-6% less accurate than when they were first published, as seven months will have passed.
- This means that by July 2014, as many as 2-3 million people across Great Britain could be no longer resident at the address recorded on the December 2013 electoral registers – and would therefore not receive an IER form in July 2014. The Government's own IER Impact Assessment suggests that as many as 20% of people eligible to re-register under IER may not receive an initial invitation to register in

<sup>23</sup> In 2001, analysis indicated that between 7% and 25% of people (depending on the area) moved in a year. The figure was 10% or above in 281 local authority areas, with the highest figures in areas with high numbers of students (Oxford, Cambridge, Manchester, Southampton) and of private renters (metropolitan areas such as London boroughs).

2014.<sup>24</sup> This figure is higher as it includes people not registered, or registered inaccurately, in December 2013 as well as the 5-6% decrease in accuracy mentioned above.

- Without a full canvass of households during autumn 2014, any other changes due to electors moving which would previously have been identified by the canvass process may not be identified.
- Under the Government's 'carry forward' proposal (which the Commission supports in principle), if individuals who have moved do not complete an IER form, their names will remain on the electoral register until after the proposed UK general election in 2015, but at the wrong address. This is unlikely to help those electors to participate in the 2015 elections, and carries an increased risk of fraud from poll cards being sent to addresses where electors are no longer resident.

87. The starting point for the transition to IER must be a list of electors that is, as far as is possible, accurate, up-to-date and complete. Using the 1 December 2013 register (as updated monthly from 1 January to 1 July 2014) as the basis for an individual write-out from 1 July 2014 will not achieve this. The measures mentioned in the White Paper to mitigate this problem are unlikely to be sufficient. The Government should abandon this proposal.

88. The Government and Parliament should instead require EROs to run a full household canvass in 2014, which should also be used to explain to electors that the system is changing. This should be followed as soon as is practicable by a separate process of collecting identifying information from each elector identified as eligible in that canvass. This will ensure that the individual write-out is based on as complete and accurate an electoral register as possible.

89. The Government should therefore undertake an evaluation of the following approaches:

- Running a full household canvass in autumn 2014 and sending IER forms immediately to everyone listed on the household canvass return.
- Sending IER forms out to everyone listed on the 1 December 2013 electoral register in January 2014, i.e. when the register will be at its most accurate. Then conduct a further canvass in autumn 2014.
- Postponing the 2013 household canvass to spring 2014. The individual write-out would take place as proposed in the White Paper from 1 July 2014, but with the advantage that this would be based on a more up-to-date register. Clearly, the European Parliament and local government elections expected to be held in June 2014 limit how close to July 2014 this canvass could be undertaken compared with the first two options. However, this option would still be preferable to the current proposal in terms of the proximity of the two exercises and would probably be the cheapest of these three options as it still misses one year of full household canvass activity.

---

<sup>24</sup> Individual Electoral Registration Impact Assessment (cm 8109), p.18.

90. The opportunity should be taken to explain to electors that the system of electoral registration is changing, ideally during the household canvass in 2014. Following the household canvass, individuals should all receive IER forms which they are encouraged to return in order to help make the electoral register more accurate and to establish their own personal ownership of their right to vote.
91. The Government appears to have taken the view that running a household canvass in 2014 followed by a write-out would have an unacceptable cost, and could confuse electors. The Commission questions both the accuracy of the cost-estimates and whether any potential savings are justified by the risks that we have set out above to the accuracy and completeness of the electoral registers to be used at the 2015 UK general election. We would expect the Government to undertake a much more detailed cost-benefit analysis before deciding not to hold a full household canvass in 2014.

### Absent voters in 2014 and 2015

92. We support the Government's plan to introduce identity verification for absent voters prior to it being a requirement for polling station votes and in advance of the 2015 general election. Recent electoral fraud cases, such as in Birmingham in 2004 demonstrated the need to improve the security of the postal voting process and the Slough case in 2007 showed that the provisions in the Electoral Administrative Act 2006 were not sufficient to prevent the use of false entries on the electoral register to apply for absent votes.
93. As things stand, however, the White Paper proposals provide for inequality of treatment, and will result in a 'mixed' system being in place for any election (by-election or otherwise) held between 1 July 2014 and 1 December 2014, with new absent voters having registered under the new system and existing absent voters not necessarily having done so. This could raise questions about the integrity of the process.
94. To ensure consistency of treatment between absent voters and minimise the risk of disenfranchising any absent voters from an election during the 2014 canvass period and in advance of the 2015 elections the Government should:
- Ensure that new and existing absent voters are treated the same. Between 1 July and 1 December 2014 new applications for absent votes should be allowed without the need to supply identifiers; the applicant would receive a letter telling them that the absent vote will expire on 1 December 2014 unless they supply identifiers. An IER form would be included with the letter.
  - Use the Absent Vote Identifier refresh exercises to either collect personal identifiers (including the NINO) or at least forewarn absent voters of the changes pending due to the introduction of IER.

- Ensure that the right level of resources and funding are put in place to address the risk that large numbers of postal voters (for whatever reason) fail to register under the new system, potentially having an adverse impact on levels of participation at the next general election. Some areas have very high levels of postal voting; at the 2010 UK general election, for example, 40.6% of electors were issued with postal ballot packs in Newcastle upon Tyne North and 38.9% of electors in Sunderland South. Overall, some 15% of eligible electors (approximately 6.9 million people) were issued with postal votes. Turnout among postal voters was 83%, compared with 63% among those required to vote at a polling station.

95. The Commission will:

- Use performance standards to monitor the level of preparedness for IER among EROs; this will include seeking evidence of a strategy to engage with absent voters ahead of the 2015 elections.
- Develop and coordinate a programme of public awareness activities to ensure that electors - including absent voters who may find the new system more difficult, such as disabled people and the elderly - understand what they need to do under the new registration system.<sup>25</sup>

#### Proposed features of individual forms in 2014

96. As noted, the Government proposes that each individual form will include an insert asking for 'details of any other occupants residing at the address who have not received an IER application form'. In principle we support this proposal insofar as it may help identify some attainers (16 or 17 year olds who will reach voting age (18 years old) during the life of the current register) and people moving into Houses in Multiple Occupation (that is, shared houses; although the point is particularly relevant to larger buildings such as student residences or nursing homes). However, we do have some concerns about its likely effectiveness.

97. As explained above, we believe that holding a full household canvass near to the identifier collection exercise is a much better way of finding new entries and we strongly recommend that such a canvass is undertaken as close to the identifier collection exercise as is practicable. Whenever the last full canvass was, we would expect to see the duties outlined in Section 9A of the Representation of the People Act (RPA) 1983 (e.g. follow-up letters and door-to-door canvassing) used as the main method for identifying people who may wish to register.

---

<sup>25</sup> Because of the small number of postal voters in post-poll surveys there is no clear story on the demographic profile of postal voters. However, the historical post-poll data does show that people with a disability are consistently more likely to be postal voters than those without. Less consistently the historical survey data shows that postal voters are more likely to be older people, women, people not working and those in the lower social grades.

98. If, contrary to the Commission's advice (see paragraphs 40-47 above), the Government and Parliament decide to retain the ability to opt-out of further contact from the ERO this will reduce the opportunities available to request information from those electors about their co-residents.
99. While we note the Government's intention to assess how successful these inserts have been in 2014 before deciding how to proceed in future years, given the central role that they are expected to play in identifying people who are eligible to be added to the electoral register in 2014 and beyond, the Government should test this approach more thoroughly before relying on it as the main method of mitigating risks to the completeness of electoral registers in the transition year, 2014.
100. Similarly, we support in principle the proposal to include instructions on envelopes asking residents to 'return the envelope' if an elector to whom an envelope is addressed no longer lives there; and to make contact with the ERO if they themselves are not registered and have not received a form. This may have some effect, but it would be wrong to rely on individuals returning undelivered envelopes either to the ERO, either direct or via Royal Mail, to make a significant impact on the completeness of the electoral registers in 2014 and beyond. Again, we understand that the Government will assess the effectiveness of this feature in 2014 before deciding on its longer-term use. Given the central role that these instructions are expected to play in maintaining the register, we believe that the Government should test this approach thoroughly before using this as a method of managing risks to the completeness and accuracy of the electoral registers in 2014.
101. We welcome the role given to the Commission in designing the new registration forms. This will help ensure that forms are of a consistent standard and user-tested. The Commission successfully undertook a similar role in relation to forms used for the 2011 referendums on the law making powers of the National Assembly for Wales and on the voting system for electing MPs.

## Public awareness

102. Whichever process is followed, it is important that during the transition period 2014-15, the large majority of IER forms are sent out across Great Britain during the same, reasonably short period. This will allow maximum impact for accompanying public information messages to remind people to look out for the forms, tell them what to do if they have not received one, and why it is important for them to complete them and send them back to their ERO. The scale of the challenge is significant, with around 46 million people needing to act in order to secure their vote.
103. Our public information campaign needs to encourage a response from a huge audience; it will be carefully planned in order to maximise its effectiveness and coverage, especially given the need to make the most efficient use of resources. But it will be important that enough resources are allocated to this campaign to ensure a successful result.

104. The Commission will continue to develop its plans in this area in conjunction with Government and other relevant stakeholders and will, as usual, discuss its plans with the Speaker's Committee, which would be responsible for examining and approving our public awareness plans and proposed spending. We will pay particular attention to how public information can best be delivered, and the balance between the Commission's Great Britain-wide campaigns, local campaigns by EROs, and harnessing opportunities to reinforce the message about IER through a wide range of other interested groups across society including organisations in the voluntary sector and political parties at national and local levels.
105. Political parties will understandably have a huge interest in this process and, we believe, have a key role to play in supporting implementation. EROs should therefore engage with local political parties and enlist their support in raising awareness of the changes to the registration system.
106. The Commission will ensure that public information about the transition is fully accessible to all groups in society, especially those who are most likely to need additional explanation and support. We plan to provide information about the change in a range of formats accessible for people with disabilities and in a range of languages. Our registration form design process will also rigorously test the forms with a wide variety of stakeholders.

## Data matching pilots and other initiatives

107. The White Paper explains that the Government is exploring, through a series of pilot schemes, 'whether EROs can use public databases to identify people eligible to vote but missing from the register so they can invite them to register'. There are 22 data matching pilot areas (19 in England, three in Scotland, none in Wales). If these schemes prove successful then the White Paper states that the Government will then look at how data matching can be extended across the country. The Commission supports these trials and will be conducting a statutory evaluation of them, which will be completed by March 2012. We will report on:
- how far the schemes achieve the purpose of assisting the local registration officer to meet their objectives (i.e. that people entitled to be on their register are on it; people not entitled are not on it; and that information about people who are on the register is correct).
  - whether (and if so, how much) people objected to the scheme.
  - how easy the scheme was to administer.
  - whether and how far the scheme resulted in time/cost savings.
108. Data matching allows EROs to match names and addresses on their local electoral register with names and addresses on existing national databases (in addition to the local information they can already use – see

paragraphs 12-13 above), so that ineligible entries can be removed and people who are missing from the register can be invited to join it.

109. We do not yet know how effective data matching will be. Whatever the outcome of the trials, however, the Commission believes that in order to mitigate the significant risks of eligible people being lost from electoral registers during the transition to IER, the Government should give further detailed consideration to a wider range of options that will help ensure the completeness of the electoral register throughout the implementation process. Further options are needed not only in the event that data matching is less successful than we hope, but also to deal with 'at risk' groups who are less easily picked up through the data matching approach.

110. These options might include:

- Ensuring greater consistency by EROs in using all available information sources to help maintain the register.
- Using existing powers to target particular groups of electors (e.g. students, hard-to-reach groups), types of property (e.g. residential homes, Houses in Multiple Occupation) and wards with lower response rates.
- Introducing a schools initiative similar to that used by the Electoral Office for Northern Ireland, where staff visit schools to assist eligible pupils to complete electoral registration applications.

111. The Commission also believes that where risk-mitigation approaches including data-matching are proved to be effective, EROs should be **required** to use them.

## The 'edited' register

112. The Commission has previously recommended that the 'edited' register should no longer be compiled or made available for sale.<sup>26</sup> The previous Government consulted on this issue in 2009/10 but no decision has been announced either by the previous Government, or this Government.

113. Our reasons for recommending abolition of the edited register are as follows:

- It is wrong in principle to combine a request for information for the purposes of electoral registration, with the issue of direct marketing. The Commission is concerned that, in some cases, combining these issues may act as a deterrent to people registering. A survey carried out in 2008 by the Local Government Association (LGA) and AEA found that almost nine in ten electoral officers surveyed believed that

---

<sup>26</sup> Electoral Commission (2010) *Electoral Commission response to the Ministry of Justice consultation Electoral Registers: Proposed Changes to the Edited Register* ([http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0005/86927/Response-to-the-Ministry-of-Justice-consultation-final.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0005/86927/Response-to-the-Ministry-of-Justice-consultation-final.pdf))



the practice of selling the electoral register discouraged people from registering to vote.<sup>27</sup>

- The Commission shares the concerns of the Data Sharing Review - which Richard Thomas and Mark Walport (then Information Commissioner and Director of the Wellcome Trust respectively) undertook at the request of the Prime Minister and the Justice Secretary in 2008 - that asking electors whether they wish to opt out, rather than opt in, may be confusing, and that many people may not realise that the 'edited' register can be sold to anyone.

114. The introduction of IER in Great Britain strengthens the case for abolishing the 'edited' register – especially if the Government were to persist with the idea of offering an 'opt out' choice for electors who 'do not wish to be chased' by their ERO (see paragraphs 40-47 above) – which risks further confusing people about what they are opting into and out of. We are also concerned that the proposal to ask people for personal information such as their DOB and NINO - which we support in the interests of accurate electoral registers – will be more difficult to deliver if people are concerned about the possibility that this personal information may be made available to third parties. Abolishing the 'edited' electoral register will provide additional reassurance to people that their personal information will be available only to a limited range of people, for electoral registration purposes; and reduce their concerns about what may happen to their personal data. We note that the AEA reaffirmed their view that the 'edited' register should be abolished in their written evidence submitted to the PCR Committee and, in oral evidence, SOLACE said that they had 'real concerns about commercial use of the register'.<sup>28</sup>

## Special category electors, including Service voters

115. We agree with the approach set out in the White Paper; namely, that any invitations to register under IER should coincide with special category electors, including Service voters, overseas voters and Crown Servants, and those making anonymous registration requests or declarations of local connection being invited to renew their applications.

116. We support the Government's intention to consider ways of improving electoral registration rates among Service voters. We will of course be evaluating the data matching schemes that are focusing on Service personnel and will continue to work with the Cabinet Office, Ministry of Defence (MOD) and others on ways to improve opportunities for service personnel.

## Impact on the elderly, disabled people and those in care

---

<sup>27</sup> 'New survey shows overwhelming support for changes to electoral register' LGA press release - Tuesday 26 August 2008.

<sup>28</sup> AEA Written Evidence submitted to the House of Commons Political and Constitutional Reform Committee (2011); SOLACE oral evidence given to the House of Commons Political and Constitutional Reform Committee (2011).

117. We agree that certain groups of electors, including the elderly, disabled people and those in care may encounter particular challenges in relation to the new system – as they do with the existing system – and that early engagement with these and other potentially affected groups will be essential.
118. It will also be important to consider how best to support other electors, such as those with low levels of literacy, who may find the task of completing an individual form challenging. Again, early engagement with relevant groups will be essential.
119. Particular consideration should also be given to those living in communal establishments. For example, research focusing on the uptake of individual registration in communal establishments in Northern Ireland found that a range of registration rates exists across different types of establishment.<sup>29</sup>
120. Our research suggested that there appeared to be no common procedure for registering residents in communal establishments in Northern Ireland, with the perceived role and responsibility of the ‘gatekeeper’ being central to the effectiveness of the registration procedure within each establishment. Other key factors included the eligibility criteria used when registering residents with a mental disability and the contact and involvement with electoral canvassers.
121. Requiring these electors to supply identifying information – such as a NINO – which may not be close-to-hand clearly presents a challenge. Special consideration will therefore need to be given to these electors (as well as Service voters and other special category electors discussed in the previous section) to ensure that they are not unintentionally disadvantaged as a result of the changes.

## The annual canvass from 2015 (clauses 4 and 5 of the draft Bill)

122. From autumn 2015 onwards, the Government proposes that EROs will send a Household Enquiry Form (HEF) to every residential property in their local authority area, and that the HEF will be pre-populated with the names of electors already registered at that address. The White Paper states that the HEF will be ‘similar to the current annual canvass process in that someone will be required to provide information on other residents’. Any potential electors identified through the HEF will be sent individual forms by the ERO. HEFs will be sent to all residential properties, as is the case under the current canvass, rather than solely those without any registered electors, as is the case in the Government’s 2014 proposals.

---

<sup>29</sup> PricewaterhouseCoopers (July 2005) *The Uptake of Individual Registration in Communal Establishments in Northern Ireland*, Research report produced on behalf of the Electoral Commission.

123. The White Paper also explains that:

- Electors who have already registered individually and been verified will not have to go through the process again unless their details have changed, or where the annual canvass or information from other sources leads the ERO to make further enquiries as to the continuing validity of the registration.
- Returned HEFs will be used to identify those currently on the register who remain eligible; new occupants or attainers who should be invited to register; and electors whose names have been crossed out on the form and who therefore appear no longer to be resident.
- Non-responses to the HEF must be followed up by the ERO, following the steps set out in Section 9A of the RPA 1983 (see paragraph 97 above).
- The ERO will then be required to request identifying information from any person included on the HEF who has not already had their identity verified at that address.

124. The 1 December 2015 register will consist solely of electors who have registered individually. Monthly updates under rolling registration will continue to take place but again, only those who are successfully verified can be added to the register.

125. The White Paper states that in relation to any person deleted on the HEF the ERO should consider whether they should be removed from the register. The Commission would be concerned if this were to lead to EROs automatically removing such people from the register as it would run counter to the principle of an individualised system of registration. It would also introduce inequality of treatment into the system, insofar as people whose names are added to the HEF form will (rightly) be re-contacted and asked to provide identifiers rather than simply being added to the register, whereas people whose names are removed from the HEF will be deleted from the register automatically.

126. EROs should be required to seek further evidence (including through data-matching with other sources of information and other EROs) that an elector is no longer at an address before deciding to remove any names from the electoral register on the basis that they have been deleted from a HEF.

127. In cases where there is no response to a HEF from a residential property we agree that the ERO should follow the steps set out in Section 9A of the RPA 1983.

128. One significant area to monitor will be the impact of the 2015 canvass arrangements on the completeness of the register, given that electors who have not registered under the new system will have their entries removed.

129. In monitoring the impact of the 2015 canvass arrangements, we will:

- Analyse the total electorates on the 1 December 2015 registers in order to monitor both the likely national-level drop in the numbers registered and local variations across local authorities
- Conduct house-to-house fieldwork with a sample of those electors removed from the registers published on 1 December 2015 due to non-provision of identifiers. This research would be used to determine how many of those removed were still eligible to be registered at that address. This would also allow for an assessment of the demographic characteristics of those removed from the register but still resident at the property.
- Conduct our completeness and accuracy ‘after’ measure research on the 1 December 2015 registers in order to estimate the levels of completeness and accuracy of the first IER registers.

130. The impact of the 2015 canvass could have significant implications because the 1 December 2015 register will (a) be the last canvass before the range of elections scheduled for May 2016, i.e. Greater London Authority, Police and Crime Commissioners, local elections in England and Wales and expected elections to the Scottish Parliament and National Assembly for Wales; (b) form the basis of the next Parliamentary boundary review and new constituency recommendations implemented before the 2020 UK general election.

131. One further issue concerns the possibility that political parties and candidates will become less reliant on the ‘official’ electoral register for campaigning purposes, preferring to use their own, more ‘complete’ databases of eligible electors based on previous electoral registers, door-to-door canvassing and commercial databases. It will be important for the Commission to be aware of any developments in this area since less reliance on the ‘official’ electoral register could be one indication that there is an issue with its completeness.

### Power to amend or abolish the annual canvass (clauses 6 and 7 of the draft Bill)

132. Clause 6 includes provisions allowing for the amendment or eventual end of the annual canvass in Great Britain ‘replacing current arrangements with limited canvassing or alternative methods for obtaining information in order to update the electoral register’. The clause gives the Minister a power to introduce the change by order subject to the approval of both Houses. We note that the legislation will allow for the canvass to be fully reinstated should that prove necessary in subsequent years. We are in principle content with this approach as it provides a safeguard (although we note that in Northern Ireland there is a requirement to carry out a full canvass every 10 years and as deemed necessary).

133. Nonetheless we have some concerns about the Government’s proposals on this issue. The White Paper states that the Electoral Commission must prepare a report ‘if the Minister consults it about a proposal to amend, abolish or reinstate the annual canvass in Great Britain, or to make alternative arrangements, under clause 6’. The report

must be submitted within three months of the Commission being consulted by the Minister and would be laid before the UK Parliament alongside the draft order.

134. We are concerned about the drafting of clause 7(1), which seems to imply that the Minister is not required to consult the Commission on any proposal, but may do so (the clause begins 'If the Minister consults the Electoral Commission about a proposal'). Moreover there is no requirement for any Commission recommendation on the future of the canvass to be included in the order and debated by the UK Parliament.
135. We believe that the Commission must be consulted on any proposal to amend or abolish the annual canvass and that the draft legislation should be amended to make this absolutely clear. Further, the UK Parliament should be given a clear role in scrutinising any recommendations made by the Commission on the future of the canvass and taking the final decision on whether to accept or reject these.
136. We will continue to monitor the completeness and accuracy of the register as well the effectiveness of the other proposed methods of maintaining the electoral register so that we are in a position to prepare a report should we be required to do so. Nonetheless we do not believe that three months will necessarily be sufficient time within which to produce our report. We believe that the task of requesting, receiving and analysing data from all EROs, then producing the final report, may take longer than this.
137. The time needed to produce a report will also depend on when the Minister's request is made, e.g. a couple of years after 2015 or at a time when there is a greater amount of historical registration data from which to draw conclusions. We would prefer it if the legislation did not impose a three-month reporting deadline, but instead left it open to the Minister and the Electoral Commission to determine the most appropriate timescale for reporting, taking account of the circumstances at the time.
138. The White Paper states that any alternative approach to maintaining the register will depend on the effectiveness of data matching schemes and experience from the transition to IER. While it makes economic sense to examine alternative approaches (we know, for example, that the annual canvass involves collecting and processing data each year which, in about 90% of cases, has not changed, although of course there is significant variation across local authorities), the strength of the household canvass is its coverage. Every single household is contacted at least once. Given the scale and complexity of the changes proposed, we would expect the annual canvass to be retained for the foreseeable future.
139. Clearly, however, when asked to report we will make a judgement as to whether, under a system of IER, the annual canvass is the most effective way of ensuring that the register remains up-to-date. Internationally, an annual postal and door-to-door canvass is rare as a method of maintaining electoral registers. Some countries, including India and Indonesia, as well as the Canadian province of Saskatchewan, do take a similar approach,

but these are not annual processes – they happen every few years, before significant elections. However, it is clear that there would be a number of challenges to overcome before Great Britain could move away from the canvass and effectively implement all or part of the approaches taken in other countries.

140. There are two main approaches taken in other countries. Some, including many European nations, have access to full population or civil registers from which to create their electoral registers. This resource is not available in Great Britain and is unlikely to be created in the near future.
141. The main alternative, used most notably in Canada, uses data gathered by other government agencies in order to maintain the electoral register. While it is right that Great Britain explores how this approach might be used to maintain the register in the future there are a number of issues to consider. Firstly, unlike Great Britain, Canada has a single register for national elections, maintained centrally, making the gathering and matching of data more straightforward. The Government have actively moved away from this approach for Great Britain with the confirmation that the Coordinated Online Record of Electors (CORE) project will not proceed. We would need to be satisfied that an alternative system allowed for effective data matching between national datasets and the 387 individual registers, while also taking account of the capacity within local authorities to deliver this activity.
142. Secondly, if data matching were to be used extensively in maintaining the registers the various datasets used would need to be compatible, with a common way of describing both people and addresses, and of sufficient quality (in terms of the currency and accuracy of their data) to be of use to EROs. Initial evidence from the current data matching pilots suggests there is work to be done in this area to make the process more efficient and effective.
143. Finally, we would want to examine the success of data matching systems in more detail. Currently, their effectiveness is debatable. Even in Canada, where electors are enrolled ‘directly’ via other data sources (i.e. they do not have to fill in an additional voter registration form) there are substantial revisions made before each federal election due to inaccuracies on the register.
144. It will also be important to consider the potential for allowing people to register closer to polling day as a means of facilitating electoral registration. Other countries – including Canada and some US states – offer this facility for electors. In Canada, for example, 6.1% of all registered voters used this method at the 2008 general election.<sup>30</sup>

---

<sup>30</sup> Victorian Electoral Commission (2009) *Election day enrolment: paper for the Electoral Council of Australia*.

## Implementation

### Ensuring consistent implementation and a high quality service for electors

145. Since July 2008, the Electoral Commission has set performance standards for EROs in Great Britain, covering:
- planning
  - maintaining completeness and accuracy
  - ensuring electoral integrity
  - promoting public awareness.
146. The Commission has reported annually on how well EROs are performing against these standards. Our assessments show that there has been a continuing improvement in EROs' performance since 2008. However, there remain 45 of the 361 EROs who, in some aspects of their performance, have shown no improvement over the three years in which we have been reporting. And the overall figures contain evidence of patchy performance. In particular, our performance standards reports show that there is still work to be done by EROs in relation to their plans for participation activities; that is, their plans to encourage local people to register to vote. These activities will be crucial during the implementation of IER and subsequently.
147. The Commission will be looking at how we use performance standards to monitor the preparedness of EROs for the introduction of IER, and to provide early-warning signs where EROs may not have the capacity or capability to deliver. Our approach to supporting and monitoring the performance of EROs will need to be adapted to reflect the new legislative and practical requirements of IER. We have already begun the process of reviewing the current standards for EROs and will undertake public consultation on proposed revisions once the legislative framework is clear. We intend to publish our revised standards and supporting guidance well in advance of the implementation of any new processes, and will monitor and report on EROs' performance against these revised standards during 2014 and 2015.
148. There is, however, no formal mechanism in place to ensure that EROs put in place plans or take steps to meet the standards. We think that poses a significant risk to the achievement of the outcomes of IER, one of which should be a consistently high quality of service for all electors.
149. Section 52 of the RPA 1983 gives the Secretary of State a power of direction over EROs following a recommendation by the Commission, requiring them to comply with any general or special directions in relation to the discharge of their functions. But this power is seldom used, not well understood and not conducive to timely interventions of the kind that might be necessary during the implementation of IER. We do not believe it will ensure consistently high-quality service to electors.

150. There needs to be an effective, straightforward and timely method for ensuring individual EROs deliver the transition to IER effectively, and manage the risks that it involves. Much of this can be done through developing our approach to monitoring performance against the Commission's standards. But we recommend that instead of the Secretary of State retaining such a wide power of direction, the Commission's existing powers to set and monitor performance standards for EROs should be strengthened with appropriate sanctions to enable us to intervene to ensure that EROs take steps to meet the agreed standards. Such a power should be used as a last resort, in cases where there is an unacceptable risk that electors may not receive a consistent high quality service (for example, where an ERO does not personally canvass all properties who do not return a HEF or where EROs fail to develop an adequate public awareness plan).

151. The draft legislation published with the White Paper includes a provision<sup>31</sup> requiring EROs to 'have regard to any guidance issued by the Secretary of State about the determination of applications under this section'. The Commission produces comprehensive guidance for EROs. We would expect to issue revised guidance to EROs on the determination of registration applications under IER. It therefore seems unnecessary for an additional guidance function to be given to the Secretary of State; the Commission should take on this role.

152. We would welcome further discussions with the UK and Scottish Governments (local elections are a devolved matter in Scotland) and EROs to explore the most effective way of implementing this proposed new model for ensuring effective delivery of these new registration processes.

## Consistent access to electoral registration

153. It is an important principle of participation that the process for registering voters is effective, impartial and non-discriminatory, with clear criteria for registration and equal access to the registration process for all who are eligible.

154. We support the goal of an electoral registration system that can adapt to future developments – including different channels for registration and registration initiatives. Many of these have been highlighted in evidence submitted to the PCR Committee.<sup>32</sup> These might include:

- Online and telephone registration
- Enabling citizens to register when they contact other government services and agencies – for example, when applying for driving licenses (this has been possible in the USA since the passage of the

---

<sup>31</sup> Subsection (5) of Section 10ZC

<sup>32</sup> See, for example, written evidence submitted by Dr Toby S James, Swansea University and separate evidence submitted by the British Youth Council.



National Voter Registration Act of 1993), paying Council Tax bills, visiting Job Centres or accessing other social and local government services.

- Being able to register in-person at the ERO's office, including at the weekend
- Voter registration drives at schools, colleges and universities and through other services for young people.

155. Any new channels should be universally available, rather than being limited to areas that can afford or choose to implement them. There is already inconsistency in the provision by EROs of registration channels – for example, some, but not all, EROs, offer electors the option of confirming their registration details by telephone. The introduction of IER provides the opportunity to ensure that electors get a consistent service across Great Britain, and in particular that all electors have a consistent choice of channels to access the electoral registration service.

156. We note that the White Paper explains that the Government is 'keen to look at how IT and online processes can assist in the registration process', although we have concerns about the extent to which new channels for registering will be able to be delivered in time for 2014. The Government should produce a clear plan and budget for implementing different registration options, including the details of all associated IT development and procurement processes, for consultation with EROs. These should be published at the same time as the IER legislation is introduced to Parliament – that is, towards the end of 2011/beginning of 2012 - so that EROs, suppliers and the Electoral Commission can provide properly detailed scrutiny and advice to the Government and Parliament about the feasibility of the different options.

## A clear planning trajectory

157. The change to IER will mean significant changes for EROs and it is essential that sufficient time, resources and support are given to them as they prepare for this change.

158. While the Government has indicated that it intends to introduce legislation to Parliament in early 2012, much of the essential detail required to properly plan and prepare for implementation cannot be provided until secondary legislation has been confirmed. The scale and complexity of the changes required to be implemented before July 2014 are illustrated below.

- EROs will need to be ready to issue IER forms on 1 July 2014, and to receive completed forms and verify identifiers almost immediately. To achieve this, they will have to have the required IT systems in place, and their forms printed, by the end of June 2014.
- For EROs to have properly planned and produced contracts for the production and distribution of IER forms in July 2014, they will need

confirmation of individual funding assumptions and also confirmed printing specifications and requirements well before this date.

- The Electoral Commission will need to carry out development, design and user research on proposed IER forms before specifying them for EROs to print and issue to electors.
- EROs will also need to have regard to advice and performance standards issued by the Electoral Commission as they plan for the implementation of IER. Our guidance and standards will need to reflect the detailed regulations contained in secondary legislation.
- For electoral management software suppliers to ensure that EROs can process returned forms in July 2014, they will need to have developed, tested and issued any new or revised software. Software suppliers and EROs will need confirmation of the detailed technical specification of the systems and processes required to verify identifiers provided on IER forms before they can develop their systems and procedures.
- Electoral management software suppliers will also need confirmation of the funding and payment process for changes to electoral management systems before they are able to commit to implementing required changes.

159. We recognise that the Government will need to reflect on the views expressed during pre-legislative scrutiny of the proposals set out in the White Paper before setting out its final policy for IER in legislation. It should not, however, delay producing a clear plan and budget for implementation, including the details of all associated IT development and procurement processes, for consultation with EROs. This plan should be published when the Government introduces legislation for IER to Parliament – that is towards the end of 2011 /beginning of 2012 – so that EROs, suppliers and the Electoral Commission can provide properly detailed scrutiny and advice to the Government and Parliament about the feasibility of the detailed implementation process.

## Funding the change

160. Expenditure for electoral registration falls into two main categories: funding the annual canvass; and funding the year-round registration process, known as 'rolling registration'. The expenses of registration must be properly accounted for by the ERO and then paid by the council (Section 54, RPA 1983).

161. Currently, the budget for electoral registration must be provided to the ERO by the council that appointed them, and must be sufficient to allow the ERO to fulfil their duty to maintain the register. Each local authority is required to provide its ERO with adequate funds to carry out house-to-house, postal or other enquiries as are necessary in order to produce and maintain the register of electors.

162. The amount allocated to this service will be determined by the council who will need to consider their other budgetary obligations. The provision of adequate staffing resource to assist the ERO is, however, a direct duty of the council and should not be subject to wider constraints (Section 52(4), RPA 1983).
163. It will clearly be essential to ensure that EROs are properly resourced to deliver their responsibilities under IER. There will inevitably be varying capacities across local authorities and among EROs to resource and implement IER and, as noted, although local authorities are required to fund electoral registration, it is not as a service subject to restrictions as to how resources must be allocated. Without mechanisms to ensure that any additional funding directly reaches EROs, there is a risk that IER will not be implemented consistently across Great Britain.
164. We would therefore recommend that the Government identifies effective ways of ensuring that any funding allocated to the implementation of IER is only used for that purpose and any related electoral registration activity.
165. The Government must also ensure that adequate resources and other support reach EROs in a timely manner to ensure effective implementation.

### **The costs of IER: Impact Assessment**

166. We urge the Government to ensure that sufficient funding is available for the activities listed in the White Paper to improve completeness and accuracy of the electoral register across the transition. This investment is essential; a successful period of activity in 2014 where the majority of people provide their personal identifiers when first asked will reduce costs in the longer term. Conversely, if large numbers of individuals are carried forward, significant financial resources will be required in 2015 to ensure these electors are not removed from the December 2015 register.
167. The IER impact assessment (IA) estimates the cost of IER as £147.2-£155.9m. It also estimates a saving of £47.6m by not running a canvass in 2014, giving a full cost of £96.6-108.3m.
168. The Government should, as part of its detailed planning for implementation, publish alongside the final Bill a more detailed breakdown of costs so that all those involved, notably EROs, can assess whether funding is likely to be sufficient. The costs should also cover the full transition period from household to individual registration.
169. In particular, we recommend the Government should revisit a number of assumptions in the IA which underpin the costs. The IA states that the estimated cost of collecting personal identifiers in 2014 'assumes that the individual write out in 2014 will occur by mail with response rates similar to the current canvass process.' The costs have then been devised by 'using current registration costs and extrapolating the change from current

collection of information from 23 million households to approximately 45 million individuals'.<sup>33</sup>

170. We believe it is overly optimistic to assume the same response rate as the current canvass, where, if there are no changes to the registration, one person completes a form for the household with a single action. During the transition to IER, every individual will need to respond and to provide their NINO and DOB; many of these will not be used to completing a registration form (e.g. young people, attainers) and they will also need to find their NINO. While our 2009 research showed that 95% respondents said that, if asked to provide their NINO for official purposes, they would know it from memory or could easily find it<sup>34</sup>, in 2014 registering to vote will be a more complex and unfamiliar process so we do not believe that the response rate will be as high.
171. Assuming the same level of response is also unrealistic, given that the 2014 process as currently outlined in the IA is fully postal. At present, approximately 10% of respondents confirm their registration details via telephone, text or online and the different channels help to drive up response rates. Should additional channels be available in 2014, this would help to mitigate the risk of a lower response rate.
172. There are a number of figures which underpin the assumptions which need updating; for example, the Commission's 2009/10 financial survey showed that there are 45.8 million people on the register and the canvass was estimated to have cost £47.9m.
173. There are also a number of areas which are not currently costed in the IA and should be addressed as part of a more detailed cost analysis of the full cost of IER:
- The IA states that the cost of collecting identifiers in 2014 is based on scaling up the current postal elements of registration process (printing, postage, staff resource) from 23 million households to 45 million individuals. There is no budget included for any increased Section 9A of RPA 1983 follow-up activity, such as canvassing. The Commission's research shows that canvassers are an essential tool in helping to drive up response rates to registration requests and we believe they must be funded.
  - While the cost of increased Section 9A of RPA 1983 follow-up activity has not been included in the estimates for collecting identifiers in 2014, at the same time, the current canvass cost of £47.6m has been offset as a benefit. This leaves a gap in the budget for follow-up activity to encourage people to provide their personal identifiers.

---

<sup>33</sup> Individual Electoral Registration Impact Assessment (cm 8109), p.16

<sup>34</sup> Electoral Commission Winter Tracker December 2009, [http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0009/84609/Ipsos-MORI-public-opinion-research-winter-2009-survey.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0009/84609/Ipsos-MORI-public-opinion-research-winter-2009-survey.pdf)

- The cost analysis must include the full cost of the transition to IER. At present the IA does not contain funding to collect personal identifier information in 2014 from those who have been carried over in 2015.

174. The IA does not include initiatives from 2015 onwards to help improve completeness of the electoral register, for example other channels, such as online, face-to-face and telephone and targeted initiatives to reach particularly hard-to-reach audiences.

## The Electoral Commission's role in the electoral registration process

175. The Commission's key responsibilities during the transition from household to individual registration will be:

- Providing the UK Parliament with robust evidence about the implementation of IER. As the independent expert body for elections and electoral registration, we will develop and deliver a programme of research to support scrutiny and assessment of the impact of these changes. For example, we will report on the completeness and accuracy of the electoral registers before and after the transition to IER. Our next report on the completeness and accuracy of the registers in Great Britain will be published in December 2011. We will also be closely monitoring the public response to the new registration system.
- Supporting government, EROs and others to ensure that a clear and robust plan is developed for implementing individual registration.
- Providing guidance and support to help EROs collect personal identifiers, and monitoring delivery across Great Britain via our performance standards framework. Guidance and standards issued by the Commission to EROs will be updated to reflect the revised statutory requirements for IER.
- Developing and coordinating a programme of public awareness activity to ensure electors understand what they need to do under the new registration system.

176. Set out below is the reporting timetable for registration research:

Year	Electoral Commission reports
2011	<b>December</b> – report on levels of completeness and accuracy of GB's April 2011 electoral registers
2012	<b>November</b> – report on the comprehensiveness and accuracy of NI's electoral registers
2013	<b>Early 2013 (tbc)</b> – report on completeness and accuracy of England and Wales's December 2010 and April 2011 electoral registers (using Census data)

2014	<p><b>Spring</b> – report on completeness and accuracy of Scotland’s December 2010 and April 2011 electoral registers (using Census data)</p> <p><b>Spring</b> – report on comprehensiveness and accuracy of NI’s December 2010 and April 2011 electoral registers (using Census data)</p> <p><b>July</b> – report on levels of completeness and accuracy of GB’s December 2013 electoral registers (the final registers compiled under household canvass).</p>
2015	<p><b>March</b> – Performance standards report to be published with or alongside a report on the transition period (using data collected from local authorities, public opinion data, etc.).</p>
2016	<p><b>March</b> – Performance standards report to be published with or alongside analysis of the full move to IER (using data collected from local authorities, public opinion data, etc).</p> <p><b>July</b> – report on levels of completeness and accuracy of GB’s December 2016 electoral registers (using first IER registers). Report to include assessment of names that have been removed from the register.</p>

177. In addition, the following will be published during the implementation period:

- Annual reports on Performance Standards for electoral registration each March. These reports could also be used to incorporate broader data on registration and public opinion data.
- Annual reports on allegations of electoral malpractice (Police National Information and Co-ordination Centre study) each February.
- Analysis of qualitative public opinion research (timing of research still to be agreed)

## Scrutiny during implementation

178. Finally, we recommend that the UK Government and Parliament should consider extending the PCR Committee’s role specifically to cover scrutiny of the IER implementation process. This will ensure that IER maintains visibility beyond the passage of the IER Bill and ensure that political parties, parliamentarians and other stakeholders are given further opportunities to monitor the change.