

# House of Lords Select Committee on the Electoral Registration and Administration Act 2013

## Evidence from the Joseph Rowntree Reform Trust

### 1. About the Joseph Rowntree Reform Trust Ltd

The Joseph Rowntree Reform Trust Ltd (JRRT) is one of three grant making trusts, independent of each other, set up in 1904 by Quaker businessman Joseph Rowntree. JRRT was set up as limited company, not a charity, able to fund political causes. The Trust has funded a wide range of campaigns in the UK to promote democratic reform, civil liberties and social justice. Joseph Rowntree's interest in 'maintaining the purity of elections' has today translated into the Trust's support for far-reaching democratic reform. Our contributions include the 2006 Power Inquiry<sup>i</sup>, to investigate why there has been a decline in participation in formal politics and to make proposals to reverse this trend, and more recently, the establishment of the UK Democracy Fund<sup>ii</sup> which aims to enable everyone to vote, supporting reforms to ensure a simple, seamless and accessible voting system fit for the 21st Century and increasing participation of everyone in our elections by raising the turnout of low propensity voters.

### 2. This submission

Our working assumption is that the Committee will have received evidence from a number of academics, electoral practitioners and NGOs on the introduction and management of the transition to individual electoral registration. We are providing a submission from the perspective of a grant-making Trust that is working both for system reform and to strengthen non legislative measures to encourage registration among groups that may be harder to reach.

### 3. Qu 1 Introduction of introduction of individual electoral registration

JRRT is deeply concerned about the scale of citizen non-participation in elections. Recent figures, described by the Chair of the Electoral Commission as "shocking", show that 17% of eligible voters in Great Britain are not correctly registered at their current address, representing between 8.3 and 9.4 million<sup>iii</sup> people. Meanwhile 11% of the register entries are inaccurate, affecting up to 5.6 million people.

As under-registration is not equally distributed across the population, this fuels political inequality. At the General Election in 2017, despite record-breaking rises in registration and turnout, six in ten under 25s did not vote.<sup>iv</sup> People with Black, Asian and Minority Ethnic (BAME) backgrounds are significantly less likely to be registered, less likely to vote, and less likely to engage in political activities such as contacting an MP than the general population<sup>v</sup> - and are significantly under-represented as political candidates or politicians.<sup>vi</sup> People in the DE band are least likely to vote when social grades are compared;<sup>vii</sup> almost two-thirds of those surveyed felt that democracy addresses their interests 'badly'.<sup>viii</sup>

Under-representation in elections has consequences.

Political engagement, as the House of Commons Library notes<sup>ix</sup> is assumed to help make governments responsive to the needs of citizens. Elected representatives are sensitive to who is most likely to vote in elections and respond to voting pressures by targeting policies to benefit groups more likely to participate. In recent years low levels of trust in government and in politicians<sup>x</sup> have been recorded. The most recent Hansard Society Audit of political engagement findings<sup>xi</sup> shows opinions of the system of governing at their lowest point in the 15-year Audit series: 63% think Britain's system of government is rigged to advantage the rich and powerful and nearly half, 47%, feel they have no influence at all over national decision-making.

As inequality becomes a more pressing issue in the UK, there is growing interest in how political inequality interacts with differences in wealth, health, income, living standards and family environments to deepen economic and social divides. The Nuffield-funded review hosted by the Institute for Fiscal Studies<sup>xii</sup> and chaired by Sir Angus Deaton has warned of the damage that political inequality does to the health of society, undermining trust in the system and 'making a mockery of democracy'.

Damage to the social contract of intergenerational inequality may be a further consequence, as Resolution Foundation<sup>xiii</sup> has warned. The UK has particularly stark differences in voter turnout by age. Older age groups are much more likely to vote than younger people, and these age groups are growing as a proportion of the population. Bath University academics<sup>xiv</sup> estimate that by 2020 over 55s will make up over half of the voting public, if both turnout and the proportion of those disenfranchised due to their nationality remain constant. This brings into sharp relief the impact of low youth registration, and of IER on highly mobile groups such as students and renters, a high proportion of which are young.

These are examples of how the negative and cumulative impact of long-term political inequality is growing. Addressing the profound political inequality in the UK must be a fundamental part of any electoral registration systems. The introduction of individual electoral registration has in our view failed to address the high levels of under registration in the UK which undermine the legitimacy and fairness of our elections.

#### **4. Q3. Improving the electoral registration process and the completeness of registers**

The high number of citizens missing from the registers in the 2015 and 2017 General Elections led to the JRRT decision to set up the UK Democracy Fund which aims to strengthen democracy by increasing voter participation. Operating on an independent and non-partisan basis, the Fund does not seek to influence the outcome of an election, accepts charitable and non-charitable funds and publishes a full list of grants and donors on the JRRT website.

There is a broad political consensus that voting in elections is fundamental to participation in democracy (see for example the House of Lords<sup>xv</sup> on citizenship and civil engagement and the Cabinet Office<sup>xvi</sup> in Every Vote Matters), yet effective action to improve the completeness of registers has not been forthcoming. Trends in political disengagement<sup>xvii</sup> suggest a long-term failure to address the under-representation of young people, people with Black, Asian and Minority Ethnic (BAME) backgrounds, EU

nationals, people with a long-standing condition or disability, lower socio-economic groups and people who are homeless. The variable impact of individual votes as a result of often tiny electoral margins<sup>xviii</sup> means that under-representation profoundly undermines the legitimacy of elections.

The practical process of registering and voting is central to whether many voters participate in elections. The General Election in June 2017 saw a record 46.8 million registered to vote, approximately 500,000 more than in 2015<sup>xix</sup>. The detailed election data<sup>xx</sup> show both the improvements brought by a modernised registration system - particularly in enabling last minute voting - and the pressure on the system:

- across Great Britain, more than 2.9 million applications to register were received between calling the election and the application deadline 22 May<sup>xxi</sup>
- young people aged under 25 submitted 1 million applications. 96% used the online service.
- a record of over 622,000 applied on the registration deadline day<sup>xxii</sup>.
- more than a third (36.9%) were recorded as duplicates
- an estimated 226,565 individuals applied to register after the deadline.
- approximately 10,500 individuals tried to vote on election day despite not being registered.

A number of reforms to the registration and/or voting process could make a difference. The APPG on Democratic Participation<sup>xxiii</sup> has set out a road map for voter registration reform with numerous recommendations. The Government's Democratic Engagement Plan<sup>xxiv</sup> focusses in detail on barriers to registration for a range of groups, albeit providing little evidence as to what the barriers to registration are.

Many measures have been proposed that could ease the registration process, including registering citizens whenever they are in contact with government, for example when an NI number or driving licence is issued; allowing registration on polling day. Other changes to registration with public backing include being able to check online if a person is registered or not, and automatic updates when moving house.

A move to one of the various forms of automatic registration could have a significant impact, with international experience (including Canada, Australia, US states, Sweden, France) providing opportunities to learn from different approaches. The perception that automatic registration could significantly boost participation in democracy has led to cross party support in the UK including support by the Political and Constitutional Reform Committee<sup>xxv</sup> in its 2015 report on voter engagement, and the All Party Parliamentary Group on Democratic Participation. The Electoral Commission called for automatic or direct voter registration processes in 2016. Their public attitudes research in 2017<sup>xxvi</sup> and 2018<sup>xxvii</sup> found that when asked what would increase their satisfaction with the registration system, between two-thirds and a half of electors supported the idea of people being automatically added to the electoral register when they receive their National Insurance number.

However, there are important reservations about the potential impact of automatic registration on privacy, data protection and security which, if not addressed, could pose trade-offs between rights and democratic participation for policy makers. JRRT

has commissioned research from academics at the University of East Anglia, to be published early in 2020, which will assess the potential trade-offs and choices available to policy makers, identify safeguards that could address concerns and examine how the UK could introduce automated or fully automatic registration, providing a robust basis for an informed policy debate.

***We would urge the committee to support the need for further system reform.***

## **5. Q.4. Non-legislative measures to encourage registration**

A comprehensive strategy combining legislative and non-legislative measures is required to turn around the significant levels of under-registration outlined above. One of the major obstacles to encouraging registration is the limited evidence on the barriers faced by groups that are less likely to be registered. It is clear that different groups face different barriers. What is known is well set out by organisations such as Democracy Club<sup>xxviii</sup> in their 2018 report ‘Who’s missing, and why?’, the Cabinet Office<sup>xxix</sup> in their strategy Every Voice Matters, as well as in the House of Common’s Library’s reports into political disengagement<sup>xxx</sup>. However, there are still large gaps in understanding the experiences of groups who are under-represented. Our experience in this field to date has identified a number of overarching obstacles to higher registration that it is important to address. These are set out below.

### **5.1 Election funding for registration and turnout drives**

Civil society groups and NGOs have been credited with some success in registering and engaging voters<sup>xxxi</sup> partially offsetting the impact of the introduction of individual voter registration. This activity can be particularly effective where it is tailored to specific low propensity voter groups - and where it is supported by legislation or guidance. The Higher Education and Research Act 2017, for example, legislated to ensure student electoral registration is a core condition of the new higher education framework, backed by Office for Students guidance requiring compliance with EROs requests for data and obliging higher education providers to promote electoral registration among their student populations.

The Government’s Democratic Engagement Plan<sup>xxxii</sup> launched in December 2017 sets out a wide-ranging agenda for voter registration including case studies of approaches targeted at specific groups. One year on progress<sup>xxxiii</sup> is mapped with case studies from Scope to Mencap, Women’s Aid to RNIB set out, alongside the role of National Democracy Week, the Democracy Awards and Democracy Ambassadors. Minister Chloe Smith MP acknowledges the contribution of civil society in her foreword and outlines progress against ten actions in the report card.

We welcome the report’s recognition that “Government’s role is to create an environment for our democracy to thrive with responsibility for legislation, funding and promoting good practice” as well as the collaborative approach and the many excellent initiatives described. The plan is however inadequately resourced and there is very little sign that funding on the scale required will be forthcoming.

The APPG on Democratic Participation's latest report *Missing Millions Still Missing*<sup>xxxiv</sup> highlights how elections are increasingly underfunded, citing evidence<sup>xxxv</sup> to suggest that local authorities lack resources since they are increasingly over-budget (during 2015-16, electoral services were running 129 per cent over budget on average). The areas that have seen more cuts to funding on elections are less likely to undertake a public engagement strategy and to undertake school outreach activities. This suggests that democratic engagement activities are less likely to be pursued when electoral services are underfunded and under resourced. In an evaluation of the EU referendum<sup>xxxvi</sup>, researchers found that 43 per cent of electoral administrators disagreed that they had sufficient funding available.

In the UK most election donations are channelled to and through political parties and used to target voters who are both likely to turn out and to vote for that party. Non-partisan activity to mobilise low propensity voters is significantly under resourced by government, parties, individual and institutional donors alike. As a result, non-governmental campaigns can come and go, struggling to sustain themselves between election cycles.

Very few grant-making Trusts fund voter registration activity. JRRT is actively engaged in talking to, and approached by many of, the most active civil society groups in this space. We hear repeatedly that the importance of this work is not matched by the resources and funding required, either from government or from the Trust and Foundation sector. Funding for registration drives or related activity is extremely hard to secure.

The UK Democracy Fund was set up in response to the UK funding gap. It is of a size that will be able to fund a selection of demonstration projects that generate learning and help to mobilise funding from other sources but significant impact on the voter participation levels will require all sectors to mobilise resources.

**We would urge the committee to examine levels of government funding provided for non-partisan voter registration and participation activity since IER was introduced and to press for an increase in funding commensurate with the vital importance of this work for democracy.**

## 5.2 A political and regulatory environment that encourages democratic participation

The demographic groups least likely to be registered are similar to those many Trusts and Foundations work with. JRRT is active in the sector promoting the case for funding participation in democracy. There is interest, not least as it builds on the growing body of work on voice and agency for people with lived experience.

There is also however considerable caution, stemming from a generalised concern that voter participation campaigns may be perceived to be 'political', exacerbated in recent years by how the Lobbying Act and charity law are interpreted. Charities working with demographic groups with low registration levels are often risk averse for the same reasons.

In this context we welcome the recent Electoral Commission publication of new guidance, promoted by a blog<sup>xxxvii</sup> by NCVO on its website. Both attempted to allay concerns about campaigning during an election. The revised guidance specifically states that a campaign that can be reasonably regarded as having one of these intentions set out below will not meet the purpose test and is therefore not Regulated Campaign Activity unless it can also be reasonably regarded as having the intention to influence voters to vote for or against a political party or category of candidates. It then helpfully listed the following intentions:

- encouraging people to register to vote
- encouraging people to vote, but not for anyone in particular

Experience of previous attempts to clarify what is compliant with the Lobbying Act suggest that the clearer guidance will not automatically translate into changed practice. Reinforcement of this message by government, regulators (including the Charity Commission) and by this Committee would help build confidence.

**We urge the Committee to champion the value of civil society, including charitable organisations, strengthening democracy by supporting citizens to vote.**

### 5.3 Understanding 'What Works' to encourage registration

The limited UK evidence base on what non-partisan activities are effective in driving registration is a further barrier.

There are multiple US studies but their findings are not necessarily transferable to the UK context. A meta-analysis<sup>xxxviii</sup> as part of a Stanford series summarised the findings of approximately 200 experimental studies. The main takeaways were that while it is quite challenging to increase participation, commonly used interventions do produce effects in the low single digits. For example, contact with a canvasser at the home or by phone increased turnout while measures to make registration possible on polling day also had a positive impact.

The UK Democracy Fund will support necessary research as well as conducting evaluations of the work it funds as we seek to build an evidence base about what works. We aim to contribute to an ecosystem of donors, activists and others keen to engage everyone in democracy.

We are working to build the case for establishment of a What Works Centre to collect and share evidence on what works in voter participation initiatives. The 'What Works Centres' aim to improve the way government and other organisations create, share and use high quality evidence for decision making. They generate evidence on what works in defined policy area, translate evidence for specific user groups in a user-friendly format, and encourage the adoption and intelligent use of evidence. Research conducted by a centre is independent, methodologically rigorous, practical, accessible, capacity building and transparent, and the centre is required to share learning across the network and engage with the Cabinet Office's team.

Such a resource would enable civil society organisations with access into low propensity voting groups to plan their activity to be more effective. Funders will also be encouraged to provide support, as this will build their confidence that their funding will have impact.

**We hope the Committee will support further steps towards establishment of a What Works Centre on voter participation.**

### *Annual canvass*

#### **6. Q.8. Government's plans to reform the annual canvass**

The Government's proposals for reforming the annual canvass should be viewed in the context in which electoral administrators operate. As set out above, elections are increasingly underfunded, and electoral administrators are expected to do more with less. Given that context, the Government's proposals may be a practical way to reform the canvass, enabling electoral registration officers to better target their limited resources. The reforms allow local authorities flexibility in ensuring they can use the annual canvass to maximise registration under IER. Yet to do so requires sufficient capacity and resource in local authorities to manage the data matching process, raising questions about the funding available. Underfunding of elections should also not mean that we lose sight of the importance of the overall canvass.

The reforms give electoral registration officers opportunities to use available data more effectively. In building capacity in the electoral system to do so, this could move the country towards a more automated registration system. This could bring significant benefits in terms of tackling under-representation, as set out elsewhere in these submissions, as well as risks relating to privacy and security.

#### **7. Q.9. Impact of online registration**

Whilst online registration is easier and more convenient for many, for certain groups who are already under-represented on the electoral roll it may compound existing barriers to registration. ONS statistics<sup>xxxix</sup> show that older people, disabled adults and economically inactive adults are over-represented as non-users of the internet and that this has impacts on their ability to access services online, including online registration. A recent University of Oxford study suggests that fears over privacy are entrenching the digital divide<sup>xl</sup>. Some civil society organisations working with low income and BAME groups have told us that concerns about privacy and data sharing are cited by those they work with as reasons for not registering to vote.

For civil society organisations that assist in increasing registration amongst under-represented groups, online registration provides opportunities and challenges. It can be more accessible, especially for younger generations, and allows digital and social media campaigns to have greater reach. However, without mechanisms to track the source of online sign ups, it is difficult for civil society organisation to evaluate which of these activities are most effective in increasing registration. These mechanisms have only been made available to civil society organisations on very limited occasions.

### *Electoral administration*

## **8. Q.10. Are elections currently well managed and regulated overall?**

Electoral Commission's Winter Tracker 2019<sup>xli</sup> indicates a generally high level of confidence in how elections are run, although this is decreasing and is lower amongst younger voters.

However, thousands of European citizens were unable to vote in May this year<sup>xlii</sup>, despite believing themselves to be correctly registered – and in many cases told by electoral administrators that they were correctly registered. We await the Electoral Commission's inquiry into the management of that election, given it has been argued both that significant errors were made and that long-term trends were not addressed<sup>xliii</sup>. Problems included the requirement for EU citizens to fill in additional paperwork (the UC1 form) and delays processing that form.

The experiences of those turned away from the ballot box were widely reported<sup>xliv</sup>, and there is a risk that this has a negative impact on an already under-represented group. European Union citizens have very low rates of registration (54% in 2018).<sup>xlv</sup> Campaign groups such as the3million, who launched [#DeniedMyVote](#) campaign<sup>xlvi</sup>, are concerned about the longer term impacts of this on participation. Civil society organisations working with Eastern European and particular Roma communities in London have described extremely low levels of registration, much beyond the overall statistics and cite mistrust of the system as a major factor in this lack of participation.

### *Electoral fraud*

## **9. Q.5. & Q.13. Government's proposals to require people to bring personal identification when casting a vote**

JRRT has a long-standing interest in electoral integrity since our founder Joseph Rowntree expressed the wish in 1904 that the Trust "do their best to maintain the purity of Elections in York"

One of the stated aims of IER was to make the new registers more accurate and to verify that everyone on the register is who they say they are, in order to preserve trust in the legitimacy of elections.

The Government's proposals to require people to bring personal identification when casting a vote have been examined in a small number of pilots in 2018 and 2019. The Electoral Commission evaluation<sup>xlvii</sup> of the 2019 Voter ID pilot scheme finds that it appears to have had a positive impact on people's perception of the security of the polling station process and that a large majority of people already have access to the forms of ID used in these pilots.

However, the evaluation also noted that some groups of people can find it harder than others to show ID. This was particularly the case for photo ID and included people with accessibility challenges as well as other less frequent voters. For instance, there were correlations, strong in Derby, weak in Pendle, between the proportion of each ward's population from an Asian background and the number of people not issued with a ballot paper. Independent observers from JRRT grantee Democracy Volunteers raised similar concerns. The proportion who couldn't show ID and who did not return



to vote ranged from 0.03% to 0.7%; there is no data on those who did not try to vote due to lack of ID. Charities representing people with learning disabilities, the BAME, LGBT+, gypsy and traveller communities and people without a fixed address have raised concerns that some of the people they represent are already less likely to register and vote and also less likely to have ID.

A 2018 survey of poll workers during English local elections<sup>xlviii</sup> asked staff who ran the polls about their first-hand experience of problems that take place: the greatest problem faced by over half of polling stations was people asking to vote but not having their name on the electoral register. Suspected cases of electoral fraud came bottom at 1%. Electoral Commission figures show that there were just eight allegations of personation fraud<sup>xlix</sup> - the type voter ID is meant to prevent - in the UK last year, a minute proportion of the millions of votes cast. The Electoral Reform Society has raised concerns that the measures could suppress voter rights and that election decisions and practices could be open to legal challenge<sup>l</sup>.

While the evidence is mixed the Electoral Commission recommend that before introducing a requirement for elections in Great Britain, Government and Parliament should consider carefully the available evidence about the impact and proportionality of different approaches on the accessibility and security of polling station voting.

With levels of personation so low, and millions of citizens neither registered nor voting, it is difficult to fathom why this measure would be prioritised for legislative time. The current health of UK democracy would suggest more urgent contenders for policy and legislative attention and resources.

**We would urge the Committee at a minimum to support calls for further pilots in more representative areas to ensure the potential impact of these measures is properly assessed, and to recommend to Government that tackling under registration, rather than Voter ID, should be its priority for legislative time and resources.**

## 10. Summary

Ensuring everyone can participate is a fundamental challenge facing the UK's democracy. The cumulative and negative impact of long-term political inequality is growing. Fair and equal access to the franchise is a vital part of a healthy democracy, and legitimacy and trust in democracy is undermined when millions of citizens are not registered.

The practical process of registering and voting plays an important and often decisive role in whether millions of voters participate in elections. There is an urgent need for government to move beyond IER to far reaching system reform including serious assessment of the potential of different forms of facilitated or automatic voter registration. System reform should be backed by initiatives and campaigns that are effective in registering and turning out low propensity voters. Government will need to play a direct role providing funding and supporting efforts to evaluate what works most effectively.

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- <sup>ii</sup> <https://www.jrrt.org.uk/what-we-do/the-uk-democracy-fund/>
- <sup>iii</sup> <https://www.electoralcommission.org.uk/major-study-electoral-registers-great-britain-shows-changes-are-needed-help-millions-people-ensure>
- <sup>iv</sup> The Electoral Commission, UK Parliamentary General Election, June 2017, Electoral Commission, October 2017 [https://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0004/234976/UKPGE-2017-electoral-data-report.pdf](https://www.electoralcommission.org.uk/_data/assets/pdf_file/0004/234976/UKPGE-2017-electoral-data-report.pdf); British Election Study Face-to-face post-election 2017 survey, as highlighted in Noel Dempsey & Neil Johnston, *Political disengagement in the UK: who is disengaged?*, House of Commons Library Briefing Paper, 14 September 2018. <http://researchbriefings.files.parliament.uk/documents/CBP-7501/CBP-7501.pdf>
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- <sup>xii</sup> <https://www.ifs.org.uk/inequality/>
- <sup>xiii</sup> Votey McVoteFace: Understanding the growing turnout gap between the generations, Laura Gardiner, Intergenerational Commission briefing, 23 September 2016 <https://www.resolutionfoundation.org/publications/votey-mcvoteface-understanding-the-growing-turnout-gap-between-the-generations/> and My Generation Baby: The Politics of Age in Brexit Britain, Laura Gardiner and Torsten Bell, Resolution Foundations, 29 March 2019 <https://www.resolutionfoundation.org/comment/my-generation-baby-the-politics-of-age-in-brexit-britain/>
- <sup>xiv</sup> The rise of the grey vote, Nick Pearce, Joe Chrisp, University of Bath. 21 May 2019
- <sup>xv</sup> House of Lords Select Committee on Citizenship and Civil Engagement, *The Ties that Bind: Citizenship and Civil Engagement in the 21<sup>st</sup> Century*, 18 April 2018 <https://publications.parliament.uk/pa/ld201719/ldselect/ldcitizen/118/118.pdf>
- <sup>xvi</sup> *Every Voice Matters: Building A Democracy That Works For Everyone*, HM Government, 2017 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/669130/democratic\\_engagement\\_strategy\\_2017.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/669130/democratic_engagement_strategy_2017.PDF)
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- <sup>xx</sup> [https://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0004/234976/UKPGE-2017-electoral-data-report.pdf](https://www.electoralcommission.org.uk/_data/assets/pdf_file/0004/234976/UKPGE-2017-electoral-data-report.pdf)
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