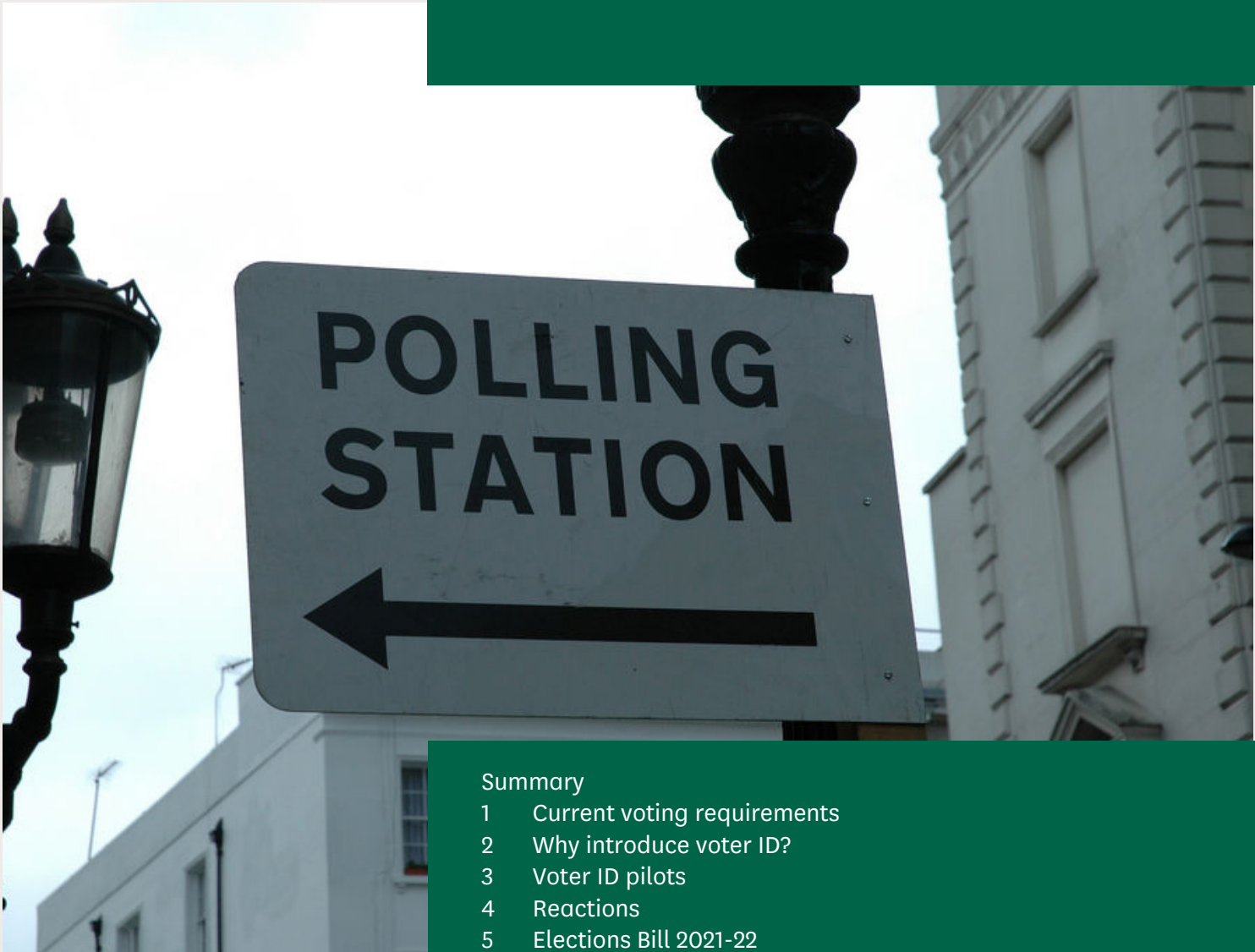


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3 September 2021

Voter ID



Summary

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Summary

The [Elections Bill 2021-22](#), was introduced on 5 July 2021. The second reading debate is due on 7 September 2021. The Bill will require voters in Great Britain to show photo ID before being issued a ballot paper in polling stations. This is designed to prevent personation¹, the crime of pretending to be someone else when you vote.

This new requirements will apply to UK Parliamentary elections, local council elections in England and police and crime commissioner elections in England and Wales. The types of ID to be allowed are detailed in section 5.

The Government acknowledges levels of fraud are low but argues that every ballot matters and that voter ID will protect voters from having their vote stolen. [Speaking in April 2019](#), the Minister for the Constitution said, showing ID for services is an every-day activity and that, “proving who we are before we make a decision of huge importance at the ballot box should be no different.”

Opposition

Following press coverage that a Bill was due in 2021, the Labour Party renewed its opposition to the introduction of voter ID. Cat Smith, Labour's shadow minister for democracy, said:

It doesn't matter how the Government dresses it up, these plans will make it harder for working class, older and black people to vote. Giving people a say at the ballot box helps make our democratic country what it is, and we must not do anything to undermine that.¹

Kirsten Oswald, the SNP's deputy leader at Westminster, said:

There is a very real danger that many lower income, ethnic minority, and younger people will be prevented from voting to fix a problem that doesn't exist.²

The Government proposals are also facing criticism from some members of the Conservative Party. Ruth Davidson, former leader of the Scottish Conservatives, said in an interview, “I think it's trying to give a solution to a problem that doesn't exist, and that makes it politics as performance.”³

¹ Telegraph, Photo ID will be needed to vote from 2023; New legislation aims to crack down on polling station fraud, but critics brand plan 'dangerous', 18 February 2021

² Times, [Resistance to voter ID requirement at Holyrood](#), 12 May 2021 (log in required)

³ Times, [Former Scottish Conservatives leader Ruth Davidson lashes out at voter ID plans](#), 13 May 2021 (log in required)

The Joint Committee on Human Rights held two evidence sessions after the announcement of the Bill in the Queen's Speech but before the details of the Bill had been published. Witnesses again highlighted that fraud was rare and there could be a disproportionate effect on some voters.

Current situation

In Great Britain voters currently do not normally need to present any form of identification before receiving a ballot paper.

Voters in Northern Ireland must provide photo ID before receiving a ballot paper. ID requirements were introduced after the 1983 General Election following concerns about fraud. Since 2003 photographic ID has been required. There has been no evidence that ID requirements in Northern Ireland have affected turnout, and since its introduction the allegations of 'personation' have been eliminated.

Why introduce voter ID?

In August 2016 the then Government Anti-Corruption Champion, Sir Eric, now Lord Pickles, published a report on electoral fraud. He highlighted the trust-based nature of polling station voting and the lack of checks on people proving who they were when voting.

Pickles recommended that the Government should consider options for voter identification and suggested the Government may wish to pilot various options before introducing a system nationwide.

Since 2014 the Electoral Commission has recommended that photo ID should be required in the rest of the UK. In December 2015 the Commission published options for delivering and costing a voter ID scheme modelled on the existing scheme operating in Northern Ireland. It cautioned that any voter identification scheme must be accessible to all.

Following the publication of the Elections Bill, the Commission reiterated that any scheme to improve security must address the likely impact on the accessibility to voting and those without appropriate ID should have be able to apply for a free local card easily. The Commission also stated a scheme should introduced with manageable timescales and proper funding.

Pilots of voter ID

Pilots were held in 2018 and 2019. The Government declared them a success and said the overwhelmingly majority of people were able to vote and "there is no indication that any consistent demographic was adversely affected by the use of voter ID."

A court challenge to the pilots in March 2019 was heard in the High Court. A voter without the required voter ID argued the pilots were illegal. Although the Court acknowledged the controversial nature of the pilots it ruled they were legal. In February 2021 the Supreme Court granted leave to appeal. The case is ongoing.

Reactions to the pilots

The Local Government Information Unit criticised the Cabinet Office evaluations as being an “optimistic interpretation of extremely limited evidence” and that only “marginal information is available on the demographic makeup of the pilot areas”. It warned “if the current plan goes ahead too quickly, news that people have been turned away as they were not able to produce ID on Election Day could well threaten the outcome of parliamentary contests.”

The Electoral Commission conducted statutory evaluations of both sets of pilots. The Commission found that a large majority of people already have access to suitable photo ID but that some groups of people would find it harder than others to show photo ID. It also found using poll cards as the approved type of ID would be less secure than photo ID and would require more costly equipment.

Overall, the Commission concluded:

However, we are not able to draw definitive conclusions, from these pilots, about how an ID requirement would work in practice, particularly at a national poll with higher levels of turnout or in areas with different socio-demographic profiles not fully represented in the pilot scheme.

If the policy is to be developed further, Government and Parliament should consider carefully the available evidence about the impact of different approaches on the accessibility and security of polling station voting in Great Britain.

Access to ID

In 2015, the Electoral Commission estimated the number of people who would have one of the forms of photo ID it was recommending was 92.5% of the electorate. The Commission estimated that limiting the acceptable form of ID to passports and photographic driving licences could potentially see almost a quarter of the electorate without acceptable photo ID.

In advance of the Elections Bill, the Government published its own research that 98% of voters already held some form of photo ID and 96% held photo with a recognisable photo.

Case study

This briefing also summarises the experience in Canada. Voter ID requirements were brought in with cross-party support in 2008. Similar concerns to those raised here were voiced on either side of the argument. The case study briefly outlines the introduction of voter ID, including a legal challenge and procedural changes since it was introduced.

1 Current voting requirements

Summary

Voters casting their vote in polling stations in Great Britain currently do not need to present any form of identification before receiving a ballot paper.

Voters in Northern Ireland must provide an approved piece of photo ID before receiving a ballot paper.

1.1 Great Britain

Voters must appear on the electoral register in order to vote. The details on eligibility to vote in elections are in the Library briefing, [Who can vote in UK elections? \(CPB 8985\)](#).

Voters who cast their ballot in a polling stations in England, Scotland and Wales do not currently need to provide any form of identification to vote. They do not even need to present the polling card issued to them by their local council in the run up to polling day.

Polling station staff ask the voter to confirm their name and address. If this corresponds with the entry on the electoral register and they are eligible to vote in the election, then must be issued with a ballot paper.

Some entries on the polling station register will show a voter is ineligible to vote at certain elections. This could be because they have applied for a postal vote and therefore not allowed to vote at a polling station, they may be an EU national and ineligible to vote in the election, or they may not yet have attained the age of 18.

In local elections in England in May 2018, voters in five local authority areas needed to show some form of ID before receiving a ballot paper as part of a voter ID pilot. Further pilots were held in local elections in England in May 2019 (see section 3).

The current UK Government has pledged to fulfil a manifesto commitment to introduce voter ID for all non-devolved elections in Great Britain.

1.2

Northern Ireland

Since 2003, voters in Northern Ireland must show photo ID at a polling station before being issued with a ballot paper.

Once a voter has confirmed their name and address as it appears on the register, voters are required to produce one of the following documents to confirm their identity:

- A UK, Irish or EEA driving licence (photographic part) (provisional accepted)
- A passport
- An Electoral Identity Card
- A Translink Senior SmartPass
- A Translink 60+ SmartPass
- A Translink War Disabled SmartPass
- A Translink Blind Person's SmartPass

The identification document does not need to be current, but the photograph must be of a good enough likeness to allow polling station staff to confirm their identity. It also doesn't matter if the identity document has a different address to the elector's current address on the register.⁴

Translink is the Northern Ireland's main public transport provider and operates scheduled bus and rail services across Northern Ireland.

The electoral identity card is a free card issued by the Electoral Office for Northern Ireland that voters can use as an alternative photo ID. To apply for a free card, voters must be registered to vote and must submit a different form of photo ID as part of the card application. However, the range of photo ID that can be used for the application is broader than the allowable photo ID used in the polling station. Voters that do not have any suitable photo ID to send in with an electoral identity card application can ask an MP, MLA or Councillor to complete a declaration confirming their identity which can be sent with the application.

See section 8 for the background to voter ID requirements in Northern Ireland.

⁴ Electoral Office for Northern Ireland, [Voting at a polling place](#)

2

Why introduce voter ID?

Summary

The trust-based nature of polling station voting in Great Britain has been identified as a potential weakness that could open voting to fraud.

The Electoral Commission report on electoral fraud in 2014 found no evidence of systematic polling station fraud but warned that polling stations remained vulnerable because of the few checks in place to check identity. It recommended introducing voter ID. International observers have also noted that voter ID would provide additional safeguards.

The Commission considered the balance between the need for security and said any scheme should not prevent access to the poll. It recommended any scheme in Great Britain should be based on the scheme in Northern Ireland, where a free photo ID card is available for those without any other form of ID. In response to the proposals for voter ID now being introduced it has reiterated its view that “introduction of a photo ID requirement must not prevent people from voting.”

In 2016 the Government’s then Anti-Corruption Champion, Lord Pickles published a report on electoral fraud. He recommended the Government should consider options for voter identification and suggested the Government may wish to pilot various options before introducing a system nationwide. Like others, he highlighted “trust has been an enduring factor in British elections for many decades.”

When the Committee on Standards in Public Life (CSPL) reviewed the working of the Electoral Commission in 2006 it noted that:

There has been no serious research to determine how widespread the problem is by academics or by The Electoral Commission itself. Nor has the Commission collected any statistics on the number of reported cases of fraud. The lack of proper research on electoral

fraud makes it difficult for the Committee or anyone else to comment authoritatively on the scale of the problem.⁵

The CSPL recommended that the Electoral Commission undertake detailed research into the levels of fraud. The first set of elections where the Commission systematically collected data were local government elections in England and Wales and the GLA elections in 2008.

Much of the concern at the time was in relation to increased access to postal voting and the possibility of postal voting fraud. Postal voting on demand was introduced in 2001. In 2008, the Joseph Rowntree Reform Trust report on electoral malpractice noted that:

Current concerns about electoral integrity stem directly from reforms intended to modernise the electoral process, provide voters with greater convenience and choice, and increase turnout. Since 2000, these objectives have primarily been promoted through the availability of postal voting on demand and pilots of all-postal voting and various forms of electronic voting.⁶

Since then some of the vulnerabilities associated with postal voting have been tightened, with postal voters required to provide personal identifiers (signature and date of birth) when voting by post. These must then match those held by the council before the vote is counted. Individual electoral registration has replaced household registration and new applications must provide a national insurance number, greatly reducing the opportunity for fraudulent entries on the registers.

2.1

Electoral Commission research

In 2012 the Electoral Commission began a review to determine whether there were opportunities to improve confidence in the security of the electoral process. The Commission stated the evidence then available did not support the conclusion that electoral fraud was widespread in the UK but there was evidence to suggest there were areas of concern:

...electoral fraud is more likely to be reported as having taken place on a significant scale in certain specific places in England. Those places are currently concentrated in a small number of local authority areas – although we should be very clear that we do not believe fraud is likely to have been attempted in more than a handful of wards in any particular local authority area. It is also clear that the majority of cases of alleged electoral fraud relate to local

⁵ CSPL, [Electoral Review of The Electoral Commission](#), January 2007, Cm 7006, p85

⁶ Joseph Rowntree Reform Trust, [Purity of Elections in the UK Causes for Concern](#), march 2008, p

government elections, rather than elections to the UK Parliament or other legislative bodies.⁷

Public attitudes to electoral fraud

Postal voting fraud remains a greater concern to voters than polling station fraud. The Electoral Commission's Winter Tracker is an annual UK-wide survey designed to provide an overview of public sentiment towards the process of voting and democracy in the UK.⁸

Overall 90% those surveyed thought polling stations were very or fairly safe from voter fraud. The equivalent figure from postal voting was 68% with 21% thought postal voting was not safe from fraud.

The latest survey saw greater confidence in elections overall.

- 87% said that voting in general is safe from fraud and abuse (up from 80% in 2020);
- 22% said they thought that there could be enough electoral fraud in an area to affect the electoral result (in 2020 36% thought this);
- 20% thought that it would be easy to get away with electoral fraud (31% thought the same thing in 2020).

41% thought there are sufficient safeguards in place, up from 35% in 2020.⁹

When asked whether there were sufficient safeguards in place to prevent voter fraud, 41% agreed, 16% disagreed and 21% did not know.¹⁰

The lower numbers for postal voting versus polling station voting are a similar theme in previous tracker research.

The Commission also asked about other issues and to what extent they were a problem.

- 48% said inadequate regulation of the money political parties spend on their election campaigns is a problem. This has not changed much over recent years with 51% saying that it was a problem in 2018;
- 14% think there is transparency in the spending and funding of political parties/campaigners (down from 20% in 2020);

⁷ Electoral Commission, Electoral fraud in the UK: evidence and issues paper, May 2013, p1

⁸ Ibid, [Public opinion tracker tables](#)

⁹ Electoral Commission, [Winter Tracker 2021](#)

¹⁰ Ibid, [Public opinion tracker tables](#)

- 46% agree that the information they read online is not trustworthy while 12% agreed it is trustworthy.¹¹

The area of main concern for voters remains bias in the media, with over two-thirds saying this is a problem. Just over half said low voter turnout at elections is a problem. A similar proportion said the inadequate regulation of political activity on social media is a problem.¹²

Fraud research

In 2013 the Commission published two reports based on qualitative research it had undertaken to better understand concerns amongst the general public and others about electoral fraud and to get a better picture of the actual level of fraud. The work was based on focus groups and in-depth interviews.

The first report, in May 2013, focused on public perceptions and understanding of activities identified as electoral fraud. It found that most people's concerns did not come from first-hand experience of electoral fraud. The public were mainly getting their information about electoral fraud from media reports and second-hand information passed by word of mouth.

The research found the public feel concerned but are not clear what their concern is based on, but that electoral fraud was not at the forefront of people's minds. For some, being provided with information on electoral fraud can heighten the concern of it, explaining to some extent how concern becomes raised in response to information passed on through the media. There was some assumption from participants that the topic would not be brought to attention unless it existed as an issue.¹³

In the second stage of the research the Commission found that providing specific information on electoral processes helped to reduce their concerns. It instead helped to support the perception that the electoral system in the UK is sound and is reviewed at times to check integrity, with appropriate adjustments being made if necessary.

On the specific policy of requiring some sort of ID at polling stations, the participants felt it would be likely to be effective by:

- Creating a sense that the electoral operators have security in mind;
- Strengthening the idea that 'it is difficult for someone to take my vote' and offering some sense of personal security; and

¹¹ Electoral Commission, [Winter Tracker 2021](#)

¹² *ibid*

¹³ Electoral Commission, [Perceptions of Electoral Fraud: Qualitative Research Report of Findings for Stage 1](#), May 2013, pp4-5

- Having an additional ‘halo effect’ when the public consider other aspects of the system of which they are less aware.¹⁴

The Commission’s final report on electoral fraud, published in January 2014, found there was no evidence to suggest there have been widespread, systematic attempts to undermine or interfere with recent elections through electoral fraud.

The Commission identified 16 local authorities where a greater risk of cases of alleged electoral fraud being reported and noted this was generally limited to individual wards within the local authorities. These wards were characterised as often densely populated with a transient population, a high number of multiple occupancy houses and a previous history of allegations of electoral fraud. These areas are also often home to communities with a diverse range of nationalities and ethnic backgrounds.¹⁵

The report made three key recommendations on improving the security of voting. One of those was on requiring voters in Great Britain to show photo ID before being issued with a ballot paper.

On polling station voter fraud, it concluded that:

Polling station voting in Great Britain remains vulnerable to personation fraud because there are currently few checks available to prevent someone claiming to be an elector and voting in their name. This part of the system could become more vulnerable to fraud as other processes (including electoral registration and postal or proxy voting) become more secure.

It noted there was “little evidence” that requiring photo ID before being issued a ballot paper in Northern Ireland created barriers to voting there. It therefore recommended that any scheme introduced in Great Britain should be modelled on the requirements in place in Northern Ireland.¹⁶

Electoral Commission recommendations

In December 2015 the Commission published a report following further consultation and analysis of options for a voter ID scheme.¹⁷ The scheme was modelled on the existing scheme operating in Northern Ireland.

¹⁴ Electoral Commission, [Perceptions of Electoral Fraud: Qualitative Research Report of Findings for Stage 2](#), September 2013, p35

¹⁵ Electoral Commission, [Electoral fraud in the UK Final report and recommendations](#), January 2014, p16

¹⁶ Electoral Commission, [Electoral fraud in the UK Final report and recommendations](#), January 2014, p3

¹⁷ Electoral Commission, [Delivering and costing a proof of identity scheme for polling station voters in Great Britain](#), December 2015

The report considered the balance between the need for security and the need to minimise any adverse impacts on people's ability to vote. The Commission developed a scheme based on cost effectiveness and that would:

- Be sufficiently robust to verify electors' identities.
- Be sufficiently accessible to electors.
- Provide for electors to obtain an alternative form of identification specifically for the purpose of voting if they did not have access to any other specified form of identification.

The Commission also noted that non-photo ID would be unlikely to provide adequate security. It cited the ID requirements in Northern Ireland between 1985 and 2002, when non-photographic ID documents were included in the list of acceptable documents:

...the system was considered to be inadequate because of the ease with which identity documents could be falsified and the fact that non-photographic identity documents were regarded as providing insufficient proof of identity.¹⁸

The Commission recommended only forms of ID which "possess certain security features and which require an adequate level of verification to obtain" should be included in any scheme. It listed those as having the required features as including photographic driving licences, passports, Proof of Age Standards Scheme (PASS) cards, military identification cards, police identification cards and firearms licences. The Commission said some transport passes, such as Freedom Passes and Oyster photocard could also be added to the list.¹⁹

The Commission estimated the number of people who would have one of the forms of photo ID it had highlighted was around 92.5% of the electorate. In an electorate of approximately 46 million this would leave almost 3.5 million voters without suitable ID. The Commission estimated that limiting the acceptable form of ID to passports and photographic driving licences could potentially see almost a quarter of the electorate without acceptable photo ID.²⁰

The Commission's analysis also highlighted that access to some forms of photo ID varies and some groups would be less likely than the general population to hold certain forms of photo ID.

The latest figures from the National Travel Survey show a variation in the proportion of people with a full driving licence. The data is aggregated into

¹⁸ Electoral Commission, [Delivering and costing a proof of identity scheme for polling station voters in Great Britain](#), December 2015, p6

¹⁹ Ibid, p17

²⁰ Ibid, p17-8

broad groups and shows 76% of white people have a full driving licence, but that figure drops to around 60% for Asian and mixed race people and 50% for black people.²¹

For these reasons the Commission recommended that a free photographic voter card should be available to those who did not have a suitable alternative, modelled on the Electoral Identity Card available to voters in Northern Ireland.²²

2.2 The Pickles report

On 14 August 2015 the Cabinet Office announced that Lord Pickles, then Sir Eric and the then Government's Anti-Corruption Champion, was to review electoral fraud and make recommendations on what could be done to tackle it.²³

The final report was published by the Cabinet Office on 12 August 2016.²⁴ The report made 50 recommendations for the Government to consider.

On voter ID, Pickles highlighted the trust-based nature of the current polling station procedures:

Trust has been an enduring factor in British elections for many decades. But a number of commentators now point to the potential for significant abuse if people can commit personation at polling stations with little risk of detection.²⁵

The report highlighted the basic checks currently available to polling station staff, the 'statutory questions' (see section 7.1 below for detail on the statutory prescribed questions). The report also acknowledged the number of allegations of polling station fraud were low and prosecutions were rare but cautioned that:

...there is a concern that the absence of evidence does not mean this practice is not taking place. And even if it is not, there is a precautionary principle that comes into play in terms of the potential for it to happen. As noted above, the absence of some form of verification at the polling station has been identified by a number of expert organisations as a significant vulnerability.²⁶

²¹ Gov.uk Ethnicity facts and figures, [Driving licences](#), 16 December 2020

²² Ibid, p18-9

²³ [Sir Eric Pickles to examine electoral fraud](#), Cabinet Office press release, 14 August 2015

²⁴ Cabinet Office, [Securing the ballot: review into electoral fraud](#), 12 August 2016

²⁵ Ibid, p11

²⁶ Ibid, p12

The report examined various options for which forms of ID might be considered without recommending which might be best.

Pickles recommended the Government should consider options for voter identification and suggested the Government may wish to pilot various options before introducing a system nationwide. This was a recommendation that the Government took forward with pilots held in 2018 and 2019 (see section 3 for more detail).

2.3 International observers

UK elections were not formally opened up to international observers until 2006. In 2005 a delegation from the Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) observed the general election.

In its report it noted the OSCE/ODIHR teams were not allowed access to polling stations. However, the report commented on the trust-based nature of elections and that no ID was required by voters in Great Britain. One of its recommendations

In order to provide additional safeguards for the integrity of polling, consideration could be given to amending the legal framework to require that a person presents a proof of identity and signs the polling station voter register before being given a ballot.²⁷

This was reiterated in its report on the 2010 UK General Election.²⁸

In its report on the 2015 General Election the OSCE/ODIHR noted that improvements in ID requirements for electoral registration under individual electoral registration (IER) had improved the security of the vote but also noted the recommendation about ID in polling stations had yet to be addresses.

The report on the 2017 election made no further recommendations on polling station security and focused instead on campaign issues, such as campaign finance and expenditure.²⁹

²⁷ Office for Democratic Institutions and Human Rights, [UK General Election 5 May 2005 OSCE/ODIHR Assessment Mission Report](#), p16

²⁸ Office for Democratic Institutions and Human Rights, [UK General Election 6 May 2010 OSCE/ODIHR Assessment Mission Report](#), p22

²⁹ Office for Democratic Institutions and Human Rights, [UK General Election 8 June 2010 OSCE/ODIHR Assessment Mission Report](#).

3 Voter ID pilots

Summary

The Government accepted Pickles' recommendation that it should hold pilot schemes to test possible voter ID requirements. Local authority areas were invited to apply. Five were chosen in 2018 and 10 held pilots in 2019.

Three different schemes piloted different ID requirements that voters had to be shown before being issued with a ballot paper:

- Photo ID - where only approved types of photo ID had to be shown,
- A mixed model - voters could use photo and non-photo ID (such as utility bills), and
- The poll card model - where a voter had to bring their poll card but could also use photo ID if they did not have their poll card.

2018

The Electoral Commission's statutory evaluation of the pilots concluded they were run effectively. The proportion of voters without the correct ID turned away and who did not return was less than 0.5% of all voters voting. The evidence suggested that showing ID in polling stations may have had some positive impact on the level of public confidence in the security of the system.

The Commission also noted, though, that further pilots should be conducted in a wider range of areas with different demographic profiles to gain more detailed evidence about the impacts on different groups of people.

Following the 2018 pilots the Cabinet Office conducted its own evaluation and estimated that a national roll out of the photographic ID model would cost £5.9 to £17.9m per general election. The main drivers of costs were additional staff costs, especially additional administrative staff costs, training costs, facilities costs and the cost of producing and issuing local elector cards.

2019

The Electoral Commission found, like 2018, there were no administrative problems during the 2019 pilots and perceptions of security increased. The proportion of people not returning after being turned away ranged between from 0.03% to 0.7%. The Commission noted that if voter ID was to be rolled out nationwide it would need a significant level of resourcing.

In the 2019 evaluation the Commission found some evidence that certain groups found it harder to show appropriate ID and emphasised that “the importance of ensuring the ID requirements are suitable for all and that any public awareness activities are genuinely effective across all communities”. Overall, the Commission concluded that the ten pilot areas were not representative of Great Britain as a whole and it would be difficult to draw conclusions about the impact on confidence across the UK as a whole

The Commission’s public opinion survey asked non-voters why they did not vote. The main reasons given were in line with previous Commission surveys, with 30% too busy, 9% away at the time of the election and 6% forgot. However, 1% of people who didn’t vote in the pilots said it was because they didn’t have the right ID and less than 1% said it was because they disagreed with the requirement.

The Cabinet Office evaluation of the 2019 pilots found slightly higher levels of people saying the ID requirements were the reason they did not vote, 2%. The Cabinet Office survey also asked whether having to provide ID would make people more or less likely to vote. 85% of voters said presenting photo ID would make no difference to them and the remaining respondents were evenly split between saying it would make them more or less likely to vote.

The Cabinet Office data did not indicate that any one demographic group, of those examined, was adversely impacted by the requirements of the pilots. The 2019 evaluation made no estimates of the cost of rollout of voter ID.

The Cabinet Office found those authorities that piloted photo ID felt the photographic ID is most appropriate for national rollout due to the level of security and those authorities that trialled polling cards felt the poll card model required the least behavioural change, as many voters do this already.

3.1

Background to pilots

The power to hold pilot schemes at local elections in England and Wales comes from the [Representation of the People Act 2000](#).³⁰

The 2000 Act resulted from and implemented the recommendations of a working party under the then Home Office Minister with responsibility for elections, George Howarth, set up in 1999. The working party included representatives from the three major political parties represented at Westminster, representatives of the local authority associations, responsible central government departments, returning officers and electoral administrators. The final report, published in October 1999, recommended

³⁰ [Section 10](#) as amended

change in a number of areas and included the recommendation that the Government:

..should be authorised to approve pilot schemes on when, where or how to vote eg weekend voting, mobile polling stations, electronic voting.³¹

A minister can make an Order to allow for the local pilot only after consulting the Electoral Commission.

The Order may make provisions to modify or disapply an existing provision in electoral law to allow the procedure being piloted to take place. A pilot scheme may make a change to the when, where and how voting takes place, how votes are counted and the sending of elections addresses by candidates.

An Order made under this provision is not subject to Parliamentary procedure, but a copy must be sent to the local authority taking part and that authority must publish in their area in any manner it thinks fit.

3.2 2006 and 2007 pilots

A range of pilots were conducted at local elections in England between 2000 and 2007. These trialled a variety of innovations, including all-postal voting, electronic voting and counting, advance voting and new voting hours and locations. In total 154 pilots were conducted at local elections from 2000 to 2007. In addition, four regions trialled all-postal voting in the European Parliamentary elections of June 2004.³²

In seven areas in 2006 and four areas in 2007, pilot schemes were conducted to require voters in local elections to sign for their ballot papers in polling stations. A provision had been included in the [Electoral Administration Act 2006](#) to make voters sign for their ballot papers in all elections. This provision was subsequently not brought into force. This was in part because the relevant section in the Act did not provide a clear sanction to withhold a ballot paper should an elector refuse to sign.³³

During the passage of the Bill the then Minister of State (Department of Constitutional Affairs), Harriet Harman, highlighted the new security measure was aimed to be a deterrent to personation:

The requirement for a signature is another security measure, and it underlines the importance of the fact that the voter must be the person who should be voting. People have to sign for registered post

³¹ The [Final Report of the Working Party on Electoral Procedures](#), Home Office 1999, Deposited paper Dep 99/1672, paragraphs 3.1.3 – 3.1.18

³² Electoral Commission, [Summary – key issues and conclusions: May 2007 electoral pilot schemes](#), August 2007

³³ Electoral Commission, [Electoral fraud in the UK Evidence and issues paper](#), May 2013, p64

that is delivered to them, but they do not have to sign when they go into the polling station. The Bill introduces the requirement to sign, and the signature will be kept for a year. That will provide additional security if there are subsequent allegations of people impersonating others and stealing their votes, because we shall be able to check the signature. We hope that that will be a deterrent to personation.³⁴

David Heath, the Liberal Democrat spokesperson, contended that to be a more effective deterrent a signature on its own was insufficient:

It would be much more effective as an anti-fraud measure if we had not only the signature of the elector when they arrived but a specimen signature as part of the registration process...A signature in vacuo does not do a lot, as there is no way of knowing whether that is the rightful elector's signature unless there is a comparator from the registration process.³⁵

The Government and the Electoral Commission considered that piloting the requirement would provide an opportunity to evaluate reactions to the new requirement.³⁶

In both sets of pilots, polling stations staff were required to refuse to issue a ballot paper to any elector who refused to provide a signature, although they were allowed to waive the requirement for a signature if the voter had a physical incapacity.

None of the local authorities undertook any post-election checks on the signatures, as this was not provided for within the pilot Orders in either year.

The pilots were evaluated by the Electoral Commission, which included public opinion surveying in the pilot areas.

In 2006, only just over a third of voters (35%) thought that signing for ballot papers would make them more confident in the voting process. The majority (58%) thought it would make no difference. Overall, 92% did not object to the requirement to sign but the Commission noted that some voters who did object were 'vociferous' in their objections. Of those that did object, concerns were raised about privacy and secrecy of signatures, for example, who would have access to the signatures once the election was over. Voters also questioned the value to be gained from requiring signatures without them being checked against another signature or other form of identification.³⁷

The Commission's evaluation of the 2007 pilots found that nearly 60% of respondents felt more confident about the electoral process as a result of having to sign for their ballot papers. A similar proportion of voters were

³⁴ [Electoral Administration Bill 2005-06, Standing Committee B](#), 22 November 2005, c173

³⁵ [Ibid](#), c174

³⁶ Electoral Commission, [May 2006 electoral pilot schemes signing for ballot papers in polling stations summary findings](#), August 2006

³⁷ [Ibid](#)

comfortable with signing for their ballot paper (around 90%) and similar objections were raised to the 2006 pilots.³⁸

The Commission concluded that making people sign for a ballot paper was a limited security measure:

in the absence of existing records against which signatures provided at polling stations could be compared, the Commission continues to question their overall deterrent value in the face of someone determined to commit an electoral offence.³⁹

These pilots were conducted before the introduction of individual electoral registration (IER). The Commission also recommended at the time that introducing IER could help underpin polling station security by then empower polling station staff to confirm their date of birth or provide a signature. This could then be checked against details provided by individual voters when they registered to vote.⁴⁰

Under the current system of IER voters applying to register must supply a National Insurance number and a date of birth to confirm their identity. This reduces the opportunity for fake entries on the electoral register but does not currently provide any additional security in a polling station.

3.3

2018 ID pilots

Following the publication of the Pickles report on electoral fraud (see section 2.2) the Government announced that it would take forward one of his key recommendations: “that the Government should consider the options for electors to have to produce personal identification before voting at polling stations and might consider piloting different methods”.⁴¹

In March 2017 the Cabinet Office issued a prospectus inviting local authorities in England to apply to host a pilot scheme in May 2018.⁴² The prospectus outlined the two objectives of the pilots:

- Objective 1: That proposed ‘ID at polling stations’ policy measures are proportional to the policy objective of reducing the opportunity for electoral fraud.
- Objective 2: That the proposed ‘ID at polling stations’ policy measures enhance public confidence in the security of the electoral system.

³⁸ Electoral Commission, [Signing for ballot papers at polling stations May 2007 electoral pilot schemes summary](#), August 2007

³⁹ Ibid

⁴⁰ Ibid

⁴¹ Cabinet Office press release, [Eliminating electoral fraud in polling stations](#), 27 December 2016

⁴² Cabinet Office, [Prospectus on Electoral Integrity Pilots in May 2018](#),

The prospectus also outlined pilots would consider the use of various forms of non-photographic ID as long as they met the objectives of the pilots.⁴³

Five local authorities were chosen for the 2018 voter ID pilots and were announced in September 2017.⁴⁴ Polling day was 3 May 2018.

Woking trialled photo ID. Bromley and Gosport piloted both photo- and non-photo ID. In Swindon and Watford voters only needed their poll card but could use photo ID if they had lost or did not bring their polling card to the polling station.

Each area had its own prescribed list of acceptable documents, but all five areas included five key documents in their list of acceptable photo-ID:

- UK, EU, or Commonwealth passport;
- Photographic driving license;
- Northern Ireland Electoral Identity Card;
- Biometric immigration residence permit;
- European Economic Area Identity Card.

The requirements for whether a passport had to be current or expired to be a valid form of ID, or for the driving license to be full or provisional varied depending on the area. Other prescribed documents varied.

Each local authority trialled a slightly different model and these are summarised below:

Bromley

- Voters in Bromley had to take either one piece of photo identification or two pieces of non-photo identification from a prescribed list to be able to vote at their polling station.
- Registered voters without any ID from the list could apply to the Returning Officer for a Certificate of Identity which could be shown to vote at their polling station.

Gosport

- Voters in Gosport also had to take either one piece of photo identification or two pieces of non-photo identification. The list of acceptable ID was similar to that of Bromley although there was some variation. Like Bromley, registered voters without an acceptable form of ID could apply to the Returning Officer for an electoral identity letter.

⁴³ Ibid, p5

⁴⁴ Cabinet Office press release, [First British voters required to show ID before casting their ballots in crackdown on fraud](#), 16 September 2017

Swindon

- In Swindon, voters had to take their poll card to be able to vote at their polling station. Poll cards had a barcode which was scanned at polling stations.
- Voters who had lost their poll card or did not take it with them to the polling station could show one piece of photo identification from a prescribed list.
- Registered voters without any ID could bring someone with them to their polling station to confirm/attest who they were. This person had to be registered to vote at the same polling station and have already voted themselves or could vote by showing their poll card or other form of identification.

Watford

- The provisions in Watford were similar to those for Swindon with one main exception. In Watford, there was no provision for a voter without the required poll card or alternative photo ID to have their identity attested by a fellow voter.

Woking

- Voters in Woking had to provide photo ID from a prescribed list. Registered voters in Woking who did not have any of the listed ID could apply to the Returning Officer to be issued with a photographic Local Elector Card.

The post-pilot evaluation from the Cabinet Office noted there had been no allegations of electoral fraud in the period 2014-17 in three of the five areas. Watford and Woking had 11 and 7 respectively. Of these 6 cases in Watford related to personation, legal incapacity to vote or multiple voting offences. The equivalent number in Woking was 3.⁴⁵ None resulted in a prosecution.

3.4

2018 Pilot evaluations

The Electoral Commission has a statutory duty to evaluate any pilot schemes conducted under the Representation of the People Act 2000. It published its evaluation of the 2018 pilots in July 2018. The Cabinet Office published its own evaluation at the same time.

⁴⁵ Cabinet Office, [Electoral Integrity Project - Local Elections 2018 - Evaluation](#), August 2018, p56

Electoral Commission

The Commission's evaluation found the pilots worked well and overall, the number of voters who could not vote was small. The evaluation found that polling station staff found little difficulty in delivering the pilot. Over two-thirds agreed with the statement that asking voters to prove their identity had little or no impact on their work on polling day.⁴⁶

The Electoral Commission noted that there was little evidence the voter identification requirements had a direct impact on turnout in the May 2018 pilot scheme areas. Overall, it was not possible to collect demographic data on people and so it had no evidence to suggest particular demographics were more affected than others.

The Commission cautioned that:

The data on turnout and participation cannot tell us much about people who may have decided not to go to their polling station at all because of the identification requirement.⁴⁷

The Commission also noted though, that further pilots should be conducted in a wider range and cautioned against drawing conclusions on how voter ID would apply more widely if introduced:

However, we are not able to draw definitive conclusions from these pilots on how a voter identification requirement would operate in the future across Great Britain, or at polls with higher levels of turnout.

This is partly because the available evidence is drawn from only five local authority areas which are not representative of many other areas of Great Britain. There would be different challenges in areas with different demographics.⁴⁸

Awareness

Nearly nine out of ten (86%) of people who voted at polling stations said they were aware beforehand that they had to show identification to vote at their polling station. 55% of voters had seen local advertising campaigns by May. Levels of awareness were lower in voters from the C2DE social grades.

Nearly everyone who went to vote at their polling station was able to show the right identification, but a small number did not and some did not return (see section 3.7).

⁴⁶ Electoral Commission, May 2018 voter identification pilot schemes, [Impact on electoral administration](#)

⁴⁷ Ibid

⁴⁸ Electoral Commission, [Background](#)

ID used

In the three areas using photo ID, Bromley, Gosport and Woking, photo driving licenses were the most popular form of ID (ranging from 54% to 60%), with passport the second most popular (ranging from 21% to 25%). Travel passes were the third most popular form.

In the two poll card pilot areas approximately nine in ten voters showed their poll card (95% in Swindon and 87% in Watford). Photo driving licenses were the most popular non-poll card form of ID.⁴⁹

Access to ID

The Commission's research found that most people (88%) said they would find it easy or very easy to show identification if they had to at future elections. Younger people aged 34 and below were slightly less likely (83%) to say they would find it easy.

The Commission heard concerns from organisations representing the interests of different groups of people. Mencap, for example, told the Commission:

People with learning disability often do not have ID such as a passport as they are unable to travel abroad or cannot afford it. Almost none will have a driving licence and in some cases will not even have access to utility bills or other forms of ID.⁵⁰

The RNIB, Royal National Institute of Blind People, noted the lack of driving licenses amongst blind and partially sighted people and Stonewall told the Commission that trans and non-binary people may have been particularly vulnerable as the photo on their official ID may not reflect their gender identity.

Perceptions of fraud

There was some evidence to suggest that requiring voters to show identification had a positive impact on public confidence in the May 2018 elections, although the Commission noted this varied between pilot areas. The key findings on the impact on public confidence were:

- People in areas where the pilot schemes took place were less likely to think that electoral fraud took place at the May polls than those in other areas where elections were also held in May 2018;
- Across the pilot areas as a whole people were more likely to say they thought electoral fraud was not a problem than they were in January 2018;

⁴⁹ Electoral Commission, May 2018 voter identification pilot schemes, [Impact on voters](#)

⁵⁰ Ibid

- People who voted in polling stations in the pilot scheme areas, and therefore experienced the process of showing identification, were more confident in the security of the voting system than non-voters in those areas.⁵¹

Overall, the Commission found inconsistent evidence about whether a requirement to show identification at polling stations in Great Britain would improve confidence in the security of the voting system..

The May 2018 pilots provided very limited evidence about whether the identification requirement had a direct impact on the security of election procedures. In particular, the Commission stated, “it is not possible to evaluate whether the requirements actually prevented attempts to commit electoral fraud at elections.”⁵²

Recommendations

The final recommendations of the Commission on the 2018 pilots were that UK Government should:

- Ensure that a wider range of local councils run pilot schemes in May 2019;
- Set out more specifically how pilot schemes in May 2019 should be designed and run;
- Work with the Equality and Human Rights Commission and organisations that represent people with different needs to carry out robust Equality Impact Assessments for future pilot schemes;
- Carry out further work to identify what kinds of alternative identification are available for people who would find it harder to show their passport, driving licence 21 or travel pass;
- Carry out further work to gather more evidence on the levels of identity assurance provided by different types of documents; and
- Carry out further work to establish whether poll cards could be included as acceptable identification without needing scanning technology in polling stations, as the pilots in Watford and Swindon (using poll cards) were significantly more expensive.

⁵¹ Electoral Commission, May 2018 voter identification pilot schemes, [Impact on public confidence](#)

⁵² Electoral Commission, May 2018 voter identification pilot schemes, [Impact on security](#)

Cabinet Office

The Cabinet Office produced its own evaluation of the 2018 pilots. It found similar results to the Electoral Commission in terms of effective delivery of the pilots and on the most common types of ID used by voters but also noted the limited data collected across five authorities made general conclusion on a wider rollout difficult. However, electoral services teams delivering the postal pilots were not confident that the requirements piloted would decrease electoral fraud.⁵³

It also found similar trends on the perception of voter fraud and on the integrity of polling station voting, with some mixed results. The view that photographic ID was an effective measure to reduce electoral fraud significantly increased in Woking, where only photo ID was accepted, but in the other models was more mixed.

The perceptions of voter fraud more generally were mixed:

The belief that there are sufficient safeguards and that polling stations are safe from fraud and abuse has significantly increased post election day in the photographic ID model. Perceptions of there being sufficient safeguards increased in both mixed ID models, but the belief that polling stations are safe from fraud and abuse only significantly increased in one of the two mixed ID models (Gosport). Similarly, perceptions of sufficient safeguards and the belief that polling stations are safe from fraud and abuse has only significantly increased in one of the two poll card models (Watford).

...

The perception of electoral fraud has significantly decreased at a local level and significantly increased at a GB level in the photographic ID model and the mixed ID model (although Gosport remains unchanged on perceptions of fraud at a GB level). In contrast, perceptions of levels of electoral fraud significantly increased at a local level in one of the two poll card models (Swindon) and at a GB level (Watford).⁵⁴

On the cost of rolling out the various models, the Cabinet Office did not make estimates of the roll out of the poll card model. It noted that cost of IT equipment in polling stations varied considerably between the two authorities piloting the poll card model.⁵⁵

The Cabinet Office estimated that a national roll out of the mixed ID model was expected to range in cost from £4.6m to £17.1m per general election.⁵⁶ The photographic ID model is expected to range in cost from £5.9 to £17.9m.

⁵³ Cabinet Office, [Electoral Integrity Project - Local Elections 2018 - Evaluation](#), p54

⁵⁴ Cabinet Office, [Electoral Integrity Project - Local Elections 2018 - Evaluation](#), p53

⁵⁵ Ibid, p31

⁵⁶ Ibid, p38

The main drivers of costs were additional staff costs, especially additional administrative staff costs, training costs, facilities costs and the cost of producing and issuing local elector cards.⁵⁷

3.5

2019 ID pilots

In November 2018 the Government announced the details of the pilots to be held in local authority areas in May 2019.

Voters in Pendle, East Staffordshire and Woking would be asked to show photo ID before they are given their ballot papers.

In Ribble Valley, Broxtowe, Derby, North Kesteven and Braintree voters would be required to present either one form of photo ID or up to two forms of non-photo ID.

Mid Sussex, Watford and North West Leicestershire would require voters to show their polling card. Cards in Watford and Mid Sussex would have to be scanned but North West Leicestershire would be a non-tech version where poll cards were not scanned.

Proxy voters in Peterborough would also be required to show ID before they could cast their proxy vote.

In addition, Peterborough and Pendle would run a separate postal vote pilot, looking at the security of postal votes and providing additional guidance in postal vote packs.⁵⁸

Following the announcement of the scheme three local authorities withdrew from the pilots: East Staffordshire, Peterborough and Ribble Valley. One additional local authority was added to the pilots, Craven.⁵⁹

An East Staffordshire spokesperson said it had withdrawn because of concerns over timings and the council was worried about the amount of time “allowed for us to communicate with the electorate what valid forms of ID would be permitted”.⁶⁰

Ribble Valley council said that implementing its new ward boundaries for the 2019 elections was “too resource intensive” and could have an impact on the smooth running of elections.

Peterborough withdrew because of the uncertainty at the time over whether or not it would have to run a recall petition, following the conviction and

⁵⁷ Ibid, p43

⁵⁸ Cabinet Office press release, [Next round of Voter ID pilots announced for 2019](#), 3 November 2018

⁵⁹ [PQ 217666 \[Proof of Identity\], 11 February 2019](#)

⁶⁰ Derby Telegraph, [Trial polling system cancelled for Burton voters](#), 14 January 2019

imprisonment of the local MP, Fiona Onasanya, for perverting the course of justice.⁶¹

Following polling day, opposition parties wrote to the Government urging ministers to abandon the policy of introducing voter ID.⁶²

3.6 2019 Pilot evaluations

Electoral Commission

The Commission found that like 2018, the 2019 pilots saw no administrative problems but noted that if voter ID was to be rolled out nationwide it would need a significant level of resourcing.⁶³

Awareness

As in 2018 the Commission found high levels of awareness of the requirement to show ID in the pilot areas, with 85% of voters surveyed after the elections knowing that some form of ID was required.

However, some groups of polling station voters were less likely to say that they knew they would need to show ID. Awareness was lower among first time voters (73%) compared to people who had voted before (87%), and among 35-54 year olds (80%) compared to those aged 55+ (89%).

The Commission cautions these differential levels of awareness could have negative impact at other polls with higher turnout:

If there were to be a disproportionate impact on particular groups of voters this could also have a negative impact on public confidence; we know that problems at elections can affect voters' and non-voters' overall perceptions of the poll.

Of course, it is possible that groups reporting lower levels of awareness in relation to the 2 May elections, where they were less likely to vote, would have higher levels of awareness around an election in which they intended to vote, such as a UK general election. However, we cannot assume that would happen automatically. It is likely to depend, to some extent, on the nature of the public awareness activities used.⁶⁴

⁶¹ Independent, [Government plans to introduce voter ID 'falling apart' as councils pull out of scheme](#), 15 February 2019

⁶² Guardian, [Tories 'trying to rig elections' with compulsory voter ID](#), 13 May 2020

⁶³ Electoral Commission, May 2019 voter identification pilot schemes, [Impact on administration of the polls](#)

⁶⁴ Ibid

The Commission noted previous research that, on average, local election voters tend to be older than for other polls.⁶⁵

Access to ID

In the 2019 evaluation the Commission found some evidence that certain groups found it harder to show appropriate ID. Polling station staff were not asked to collect demographic data in 2018 or 2019. In some wards there was a correlation between the proportion the ward's population from an Asian background and the number of people not issued with a ballot paper.

The Commission noted the evidence was mixed and "it is important to be clear that this correlation analysis does not definitively suggest that Asian voters were disproportionately affected" by the requirement to show ID. It goes on to say:

However, this does emphasise the importance of ensuring that the ID requirements are suitable for all and that any public awareness activities are genuinely effective across all communities.⁶⁶

ID used

Photo driving licenses and passports were the most popular types of photo ID, with similar proportions to 2018 showing these in photo ID and mixed model pilots. Travel passes were the third most used. In the poll card pilot areas 93% of people showed their poll card with 6% showing either a driving licence or passport.⁶⁷

Attitudes to voting

The Commission's public opinion survey asked non-voters why they did not vote. The main reasons given were in line with previous Commission surveys, with 30% too busy, 9% away at the time of the election and 6% forgot. However, 1% of people who didn't vote in the pilots said it was because they didn't have the right ID and less than 1% said it was because they disagreed with the requirement.

The Commission also asked about whether voter ID made people more or less likely to vote. 90% said it made no difference or made them more likely to vote. A notable minority said it made them less likely to vote (3%), that they didn't have ID (1%) or that they didn't know (6%). Non-voters on 2 May were more likely than voters to say they would be negatively affected or they were unsure.

Perceptions of fraud

As in 2018, the 2019 pilot areas saw an increase in voter confidence and in perceptions of the safety of voting in the pilots compared to non-pilot areas.

⁶⁵ Electoral Commission, May 2019 voter identification pilot schemes, [Impact on voters: experience](#)

⁶⁶ Electoral Commission, May 2019 voter identification pilot schemes, [Impact on voters: experience](#)

⁶⁷ Ibid

People who voted in polling stations in the pilot scheme, and therefore experienced the process of showing identification, were more confident in the security of the voting system than non-voters in those areas. However, the changes in attitudes were not uniform across the pilot areas.

The Commission noted the ten pilot areas were not representative of Great Britain as a whole and it would be difficult to draw conclusions about the impact on confidence across the UK as a whole.⁶⁸

Cabinet Office

The Cabinet Office evaluation stated the 2019 pilots were:

designed to understand how the potential impact of an ID requirement for voters at the polling station is likely to vary between areas with different demographics and electoral administration capacity. The results from the data gathered are not nationally representative, but do enable an understanding of the potential effects of rolling out an ID requirement on particular demographic groups and type of local authorities.⁶⁹

As with the Electoral Commission evaluation, perceptions of polling station fraud occurring were low. In those areas holding pilots only 10% of people thought fraud happened in polling stations where they lived but 24% thought it happened elsewhere. However, the proportions were higher in the pilot local authorities where there had been recent issues with voter fraud.

Voters in Woking, Pendle and Derby, all authorities that had been identified by the Electoral Commission report of 2014 that had a greater risk of localised electoral fraud,⁷⁰ were more likely to think that polling station fraud happened in their areas than others. Pendle was the highest at 30% of respondents thinking fraud occurred in local polling stations with Derby at 13% and Woking at 14%.

The survey also asked people about their perception of postal voting. Around half of all respondents in all areas thought postal voting was safe from fraud, with around 30% saying postal voting was 'unsafe'.⁷¹

The perception that voting at polling stations is safe from fraud and abuse increased consistently across all models after polling day. When asked whether there were sufficient safeguards in place to prevent voter fraud at polling stations, the proportion rose from 63% to 68% in mixed ID pilot areas and from 57% to 63% in photo ID areas. In the poll card areas, the perception rose from 63% to 65%, although this was not statistically significant.

⁶⁸ Electoral Commission, May 2019 voter identification pilot schemes, [Impact on voters: confidence](#)

⁶⁹ Cabinet Office, [Evaluation of Voter ID Pilots 2019](#), July 2019, p10

⁷⁰ Electoral Commission, [Electoral fraud in the UK Final report and recommendations](#), January 2014, p16

⁷¹ Cabinet Office [data tables](#) - Evaluation of voter ID pilots 2019, July 2019

The Cabinet Office stated the data collected did not indicate that any one demographic group, of those examined, was adversely impacted by the requirements of the pilots.⁷²

Attitudes to voting

The proportion of people surveyed cited ID requirements as the reason for not casting their vote was 2%, 34 out of the 1,749 who said they did not vote, a similar proportion to 2018 pilots.

The survey also asked whether having to provide ID would make people more or less likely to vote. About 85% of voters said presenting photo ID would make no difference to them and the remaining respondents were evenly split between saying it would make them more or less likely to vote. Less than 10% of respondents said it would make it more difficult to vote. In the polling card model 90% of voters said it would make no difference to their likelihood to vote with the remaining respondents evenly split. Less than 10% of respondents said it would make it more difficult to vote.

When respondents were asked about non-photo ID similar levels said it would make no difference to whether they wanted to vote but higher levels said it would make it more difficult, 13%.

When asked whether the different forms of ID would prevent electoral fraud in polling stations, over 80% agreed that presenting photo ID would be effective. The figure for polling cards was 60% and less than half of respondents thought showing non-photo ID, such as a bank statement or debit card, would be effective.⁷³

Attitudes to national rollout

The Cabinet Office reflected that those authorities that trialled polling cards as the required form of ID required the least behavioural change, as many voters do this already.

The photographic ID model sites felt the photographic ID was most appropriate for national rollout due to the level of security it provides compared to the other models. And mixed ID model pilot areas felt that the number of non-photo ID documents approved should be shortened as the majority of electors who used this option brought similar documents (poll card and bank card).⁷⁴

The evaluation made no estimates of the cost of rollout of voter ID across non-devolved elections. Writing to the Public Administration and Constitutional Affairs in June 2020, the Minister of State, Chloe Smith, saying:

The exact costs will depend significantly on the detail of the scheme we pursue and what package we wrap around the national roll out of

⁷² Cabinet Office [Evaluation of Voter ID Pilots 2019](#), July 2019, pp12-15

⁷³ Cabinet Office [data tables](#) - Evaluation of voter ID pilots 2019, July 2019

⁷⁴ Cabinet Office [Evaluation of Voter ID Pilots 2019](#), July 2019, p18

photographic voter ID to ensure its success, particularly for training and communications. The technical plans for its implementation are being developed and the anticipated costs of national rollout will be published in due course, alongside the planned primary legislation which will be brought forward.⁷⁵

3.7 Effect of the 2018 and 2019 pilots on voter turnout

One key concern about the introduction of Voter ID is that people without valid forms of identification will no longer be able to vote. Voter ID pilots were held in local authorities to assess the effect of ID requirements on voting. The table below shows the number and proportion of all voters in local authorities organising voter ID pilots in 2018 and 2019 who were turned away for not having a valid form of ID, and did not return to vote.

The table shows there was substantial variation both between and within the different models that were piloted (described in section 3 above). The proportion of voters who did not return after being turned away was between 0.1% and 0.7% of all voters voting at that polling station. Generalising from these pilots, that translates to between 46,000 and 324,000 voters in Great Britain. However, these local authorities may not be representative of local authorities across the country, so these numbers need to be treated as a rough guide.

Voters not returning after initially refused a ballot paper				
Number and % of all voters at polling station				
	2018		2019	
	Local authority	Voters	Local authority	Voters
Mixed model	Bromley	154 (0.2%)	Braintree	73 (0.3%)
	Gosport	54 (0.4%)	Broxtowe	69 (0.3%)
			Craven	49 (0.7%)
			Derby	256 (0.6%)
			North Kesteven	68 (0.4%)
Poll card model	Swindon	25 (0.06%)	Mid Sussex	8 (0.03%)
	Watford	42-66 (0.2%)	NW Leicestershire	61 (0.4%)
			Watford	33-51 (0.2%)
Photo ID only	Woking	51 (0.3%)	Pendle	101 (0.7%)
			Woking	22 (0.1%)

Source: Source: Electoral Commission, [Voter identification pilots](#)

⁷⁵ Public Administration and Constitutional Affairs publications, [Letter from Chloe Smith MP, Minister of State on Government response to Committee's electoral law report](#), dated 18.6.20

The Electoral Commission found little evidence that voter ID requirements had a direct impact on turnout overall in its evaluation of the 2018 pilots.⁷⁶

In 2019, for the pilots with comparable figures, turnout was down by two to six percentage points on the 2018 elections. However, the evaluation noted that turnout depends on various factors and changes cannot be attributed to a single factor. Turnout across English local elections in 2019 was down around two percentage points on 2018.⁷⁷

3.8 Legal challenge

In December 2018, a voter in one of the pilot areas, Braintree, began a legal challenge on the validity of the pilot scheme. Neil Coughlan, of Witham in the district of Braintree, has no photographic ID and sought a judicial review of the decision hold the pilots.⁷⁸ The challenge was dismissed.

The case claimed the pilots were unlawful because they made it harder for people to vote, and because the secondary legislation required to implement the pilots does not require Parliamentary approval.⁷⁹

In court the main arguments put by Mr Coughlan's team were the requirement to produce ID documents was beyond the scope of section 10 of the Representation of the People Act 2000. They said it did so in two ways. Their view was that pilot did not test 'how' people may vote (one of the reasons a pilot might be held), rather it introduced a test on "whether" they could vote. The other key argument was the requirement for ID did not satisfy the power to conduct pilots on "facilitating" or "encouraging" voting.

The judicial review was heard in the High Court on 7 March 2019, with the judgement handed down on 20 March 2019. The Court dismissed the case. Although the Court acknowledged the controversial nature of the pilots it ruled they were legal. It agreed with the Government's argument that:

the words "how voting at elections is to take place" are broad enough to encompass procedures for demonstrating an entitlement to vote, including by proving identity, as part of a voting process.⁸⁰

The Court agreed with the Government that the power to allow pilots was permissive rather than prescriptive. The Court also agreed that even if a pilot had to facilitate or encourage voting to be permissible, that could be qualified. Firstly, the voting that is to be facilitated and encouraged must be lawful voting by persons entitled to vote, and secondly the purpose of facilitating or encouraging cannot be limited to the pilot itself, but that it

⁷⁶ Electoral Commission, May 2018 voter identification pilot schemes, [Impact on voters](#)

⁷⁷ Electoral Commission, May 2019 voter identification pilot schemes, [Impact on voters: experience](#)

⁷⁸ Guardian, [Voter ID trials in England face legal challenge](#), 4 Dec 2018

⁷⁹ Leigh Day, [Legal action launched against government's voter ID pilot schemes](#), 4 December 2018

⁸⁰ [\[2019\] EWHC 641 \(Admin\) Case No: CO/150/201](#)

must lead to changes in electoral procedure that encourage voting over the longer term. The Court highlighted the 2018 voter ID prospectus:

The August 2018 prospectus referred to the wider objectives of the pilot schemes:

"... the Government wishes to see in place systems that can mitigate risks to the integrity of our electoral processes and address the perception of electoral fraud. If voters have confidence in the integrity of the electoral system then they are more likely to participate in that process (p.8)." ⁸¹

In 2020, following a crowdfunding campaign, Mr Coughlan appealed the decision. ⁸² The grounds for the appeal were on the contention of the meaning of 'how' someone could vote and the broader intention of the Act was to encourage voting, which it was claimed, voter ID ran contrary to. The appellant's case argued that use of the power to hold pilots in the 2000 Act undermined "the fundamental constitutional right to cast a vote in local elections."

The Court of Appeal dismissed the case, with Lord Justice McCombe saying:

the use of the power in section 10 to test a pilot scheme of this type does not in truth override or abrogate the right to vote at all. The voter remains entitled to vote and must only produce sensible means of demonstrating that entitlement. The words in section 10(2)(a) used, on these specific occasions, to launch an experimental scheme requiring identification at the polling station do not, in my judgment, "override" the important right to vote at the particular elections concerned. ⁸³

The Court also commented on the safeguards in place to prevent the right to vote being altered more widely by secondary legislation. Section 11 of the 2000 Act allows government ministers to permanently alter arrangements following a pilot scheme by statutory instrument. In comments supporting the main judgement, Lord Justice Underhill said:

I appreciate of course that the effect of section 11 is that that decision can be made by the Secretary of State without further primary legislation; but it would be conditional on both (a) the Electoral Commission recommending the change (subsection (1)) and (b) approval by both Houses of Parliament under the affirmative resolution procedure (subsection (3)). Those are significant safeguards, deliberately introduced, and in the light of them I do not believe that we should approach the construction of section 10 on the basis that Parliament cannot have contemplated the possibility

⁸¹ Ibid

⁸² [Court of Appeal to hear voter ID pilot scheme legal challenge](#), April 2020

⁸³ [\[2020\] EWCA Civ 723 Case No: C1/2019/0675](#)

of permanent voter identification requirements being introduced under the section 11 procedure.

In February 2021, the Supreme Court granted leave to appeal to Mr Coughlan.⁸⁴ At the time of writing no judgement had been handed down.

⁸⁴ [Supreme Court, Permission to Appeal results – January and February 2021](#)

4

Reactions

Summary

There have been some concerns that the introduction of voter ID is a disproportionate response to the level of polling station fraud and could prevent some people from exercising their right to vote.

Critics have pointed to the very low level of polling station fraud and question whether there are bigger priorities, such as improving voter registration rates and preventing postal voting fraud, which is perceived as a bigger problem.

Opposition politicians have highlighted the cost of acquiring a passport or a driving licence and have cautioned that requiring voter ID will disenfranchise some groups.

Civil society organisations have also warned that some people will find it harder to provide voter ID in a polling station. Campaign organisation Liberty, said: “If you’re young, if you’re a person of colour, if you’re disabled, trans or you don’t have a fixed address, you’re much less likely to have valid photo ID and could therefore be shut off from voting.” In June 2020 campaigners highlighted that 52% of black people hold a full driving licence, compared to 76% of white people.

The Government has argued that ID requirements for everyday activities, such as picking up a parcel, is something people from all backgrounds do already and voting should be no different.

The Government also has stated that no demographic group, of those examined, was adversely impacted by the requirements of the pilots and also highlights Electoral Commission research suggesting that the voter ID requirements in Northern Ireland are not a barrier to voting.

The Local Government Information Unit published a briefing which summarised the pilot evaluations. It criticised the Government for “an optimistic interpretation of extremely limited evidence”. It also criticised the evaluations for not considering the people turned away, saying “Neither the Cabinet Office nor the Electoral Commission consider the people not returning to vote as a proportion of those refused a ballot, as opposed to a percentage of the total voting. Overall, 37% of those refused a ballot paper did not return.”

4.1 Reactions to the pilots

Electoral Reform Society

The Electoral Reform Society (ERS) responded to the recommendation that the Government was to trial voter ID by saying it was “a sledgehammer to crack a nut”. It welcomed many of the anti-fraud recommendations made by Lord Pickles but said, “The introduction of voter ID is something that has to be thought very carefully about. There’s a big risk it raises a barrier to participation and could put people off voting.”⁸⁵

In March 2018, the ERS sent a letter co-signed by over 40 organisations and charities opposing the voter ID pilots. These included Liberty, Stonewall, Centrepunt, Age UK, the British Youth Council, Operation Black Vote, and the Royal National Institute of Blind People. The letter highlighted the Electoral Commission estimates that 3.5 million people lacked suitable ID. It also claimed the small scale of the problem of personation, citing a figure of 44 allegations of personation in 2016, did not warrant an approach that risked disenfranchising people without photo ID:

As organisations who support and represent a diverse range of communities, we have serious concerns that these proposals present a significant barrier to democratic engagement and risk compromising a basic human right for some of the most marginalised groups in society. Decades of international studies show that restrictive identification requirements are particularly disadvantageous to certain voter groups who are less likely to possess approved ID for a variety of socio-economic and accessibility reasons. Voter ID reforms could therefore affect young people, older people, disabled people, transgender and gender non-conforming people, BAME communities and the homeless.

Local government

Shortly before the evaluations of the 2018 pilots were published Jo Miller, then returning officer and chief executive of Doncaster Council, and president of the Society of Local Authority Chief Executives (SOLACE) wrote an article for the Municipal Journal on the pilots. She questioned the need for voter ID and, like others, highlighted the small number of allegations of personation compared to the number of ballots cast, asking, “That rather begs the question: what problem are we trying to solve?”⁸⁶

⁸⁵ Huffington Post article by Josiah Mortimer, Communications Officer for the Electoral Reform Society, [Eric Pickles' Electoral Fraud Report Is A Sledgehammer To Crack A Nut](#), 18 August 2016

⁸⁶ Municipal Journal, [Voter ID in perspective](#), 4 July 2018

The article then went on to note the Association of Electoral Administrators report on the 2017 local government and UK Parliamentary elections, which had been endorsed by SOLACE, had made various recommendations to the Government. These prioritised the integrity of the electoral register and the problem of duplicate registrations in the run up to elections, but none related to personation.

Ms Miller acknowledged that if Parliament decided to roll-out voter ID nationally then electoral administrators would ensure this happened but warned that it would come with significant costs in IT, training, and public awareness. She questioned whether at a time when local authorities had increasing financial pressures, “I am not alone in thinking that there are more pressing problems to be solved”.

In May 2020, the Local Government Information Unit (LGiU) published a briefing which summarised the pilot evaluations. It commented on the Cabinet Office evaluations by saying:

The decision to introduce a requirement for photo ID is based on an optimistic interpretation of extremely limited evidence, of the photo model appearing to have the most pronounced impact on the measures of integrity.⁸⁷

It also criticised the evaluations for not considering the people turned away. The evaluations focused on the small number of people turned away but the LGiU points out:

Neither the Cabinet Office nor the Electoral Commission consider the people not returning to vote as a proportion of those refused a ballot, as opposed to a percentage of the total voting. Overall, 37% of those refused a ballot paper did not return. In two areas just under half of those turned away did not come back with ID.

It notes that the Electoral Commission states in its evaluations that it is not possible to draw definitive conclusions from the pilots. In the LGiU’s view, while the pilots provided some insight to the operation of potential voter ID systems, assessing whether the possible measures were a proportionate response to preventing fraud and enhancing public confidence has been “submerged by an overwhelming political drive to be seen to do something to address voter confidence”.

The LGiU concluded by saying:

Ministers like to compare the lack of an ID requirement when voting to the need to prove identity when collecting a parcel from the post office. Being able to collect a parcel is not a basic human right, unlike taking part in a free and fair election. There is a case for self-identification in polling stations to protect the security of the poll: the point is that it should be inclusionary, not ignore obstacles to

⁸⁷ LGiU,, Photo voter ID in the UK? Should it be challenged?, May 2020

providing identification, and rely on proportional safeguards to address risks that are real, not overstated.

Equality and Human Rights Commission

The EHRC wrote the Cabinet Office in April 2018 expressing its concerns about the effect on voters with protected characteristics:

In essence, there is a concern that some voters will be disenfranchised as a result of restrictive identification requirements potentially leading to violations of Article 1 Protocol 1 of the European Convention on Human Rights, as incorporated into domestic law by the Human Rights Act 1998.⁸⁸

The Equality and Human Rights Commission (EHRC) also demanded to know how the Cabinet Office had fulfilled its Public Sector Equality Duty (PSED) under the Equality Act 2010 in taking forward the pilots and in how would subsequently assess them.

The Cabinet Officer Minister, Chloe Smith, replied to the EHRC saying:

I am satisfied that these have been specifically raised and considered from early in the development of the pilots. Each local authority has completed an equality impact assessment, which has been subject to expert and detailed scrutiny from Cabinet Office, the Electoral Commission and the Association of Electoral Administrators. The authorities are building on their expertise and local knowledge and engaging with local groups to take into account the needs of all of their respective electorates.⁸⁹

The EHRC again wrote to the Cabinet Office. The letter, dated 14 May 2018, acknowledged the work done by the local authorities but stated that it believed the Government could have gone further in undertaking its public sector equality duty in relation to the pilots. The letter said:

I infer from your letter that the analysis of the potential impact of the scheme on persons with protected characteristics in a national context was not conducted by the Cabinet Office prior to the introduction of the pilot scheme.

The EHRC letter went on to say:

earlier conduct of an equality impact assessment would have ensured delivery of the Government's objectives (as you have set

⁸⁸ [Letter from the Equality and Human Rights Commission to the Cabinet Office](#), 11 April 2018

⁸⁹ Deposited paper DEP2018-0393, [Letter dated 23/04/2018 from Chloe Smith MP to David Isaac, Equality and Human Rights Commission, regarding the voter identification \(ID\) pilot scheme running in five local authority elections on 3 May 2018](#).

them out) and would have built confidence by doing so demonstrably.⁹⁰

A further reply from the Cabinet Office highlighted the work the Government are doing on increasing accessibility to elections in general.⁹¹

4.2 Opposition parties

The Labour Party opposes the introduction of voter ID. Following press coverage that a Bill was due in 2021, the Labour Party renewed its opposition to the introduction of voter ID. Cat Smith, Labour's shadow minister for democracy, said:

It doesn't matter how the Government dresses it up, these plans will make it harder for working class, older and black people to vote. Giving people a say at the ballot box helps make our democratic country what it is, and we must not do anything to undermine that.⁹²

Mhairi Black, of the SNP, writing in February 2021, pointed to the cost of photo ID, with passport fees £85 and provisional driving licenses £43, and was sceptical the promised free electoral identity card for those without ID would be created. She said "Elections should be inclusive and voter ID laws are, by their nature, exclusive".⁹³ Kirsten Oswald, the SNP's deputy leader at Westminster, said:

There is a very real danger that many lower income, ethnic minority, and younger people will be prevented from voting to fix a problem that doesn't exist. These laws are designed to suppress votes among groups that traditionally vote against the Tories. It's a disgrace.⁹⁴

Writing in the Independent, Alistair Carmichael, the Liberal Democrat spokesperson, also accused the Government of voter suppression and said:

At first sight it looks like a modest proposal. The requirement for most people will be to produce a form of photo ID. For most people that will be a passport or a driving licence. For most people it will not be a barrier and therein lies the rub. To say that for "most people" it will not be a barrier to participation in the democratic process concedes the fact that for some people it will be.⁹⁵

⁹⁰ [Letter from the Equality and Human Rights Commission to the Cabinet Office, 14 May 2018](#)

⁹¹ [Letter from Chloe Smith MP to the Equality and Human Rights Commission, 16 May 2018](#)

⁹² Telegraph, Photo ID will be needed to vote from 2023; New legislation aims to crack down on polling station fraud, but critics brand plan 'dangerous', 18 February 2021

⁹³ The National, [Mhairi Black: Why Tories' voter ID plans remind me of bedroom tax](#), 20 February 2021

⁹⁴ Times, Resistance to voter ID requirement at Holyrood, 12 May 2021 (log in required)

⁹⁵ Independent, [Boris Johnson's voter ID proposals are nothing more than suppression under a different name](#), 11 May 2021

The Government proposals are also facing criticism from some members of the Conservative Party. David Davis, a former Conservative minister, has described the voter ID policy as an ‘illiberal solution for a non-existent problem’.⁹⁶ Ruth Davidson, former leader of the Scottish Conservatives, said in an interview, “I think it’s trying to give a solution to a problem that doesn’t exist, and that makes it politics as performance.”⁹⁷

4.3 Academics

The need for the pilots was also been questioned by some academics. Dr Stuart Wilks-Heeg, who has written extensively on issues concerning electoral integrity and is also a trustee of Democratic Audit, echoed the sentiment that voter ID is a “solution in search of a problem” in terms of the number of cases. He also argues that postal votes are more open to abuse, saying:

the main reason to be sceptical that voter ID can prevent further instances of electoral fraud in Great Britain is that recent convictions for voting offences have overwhelmingly related to postal votes, not personation at polling stations.

However, he does also acknowledge:

Certainly, the absence of voter ID at polling stations is an obvious vulnerability. Fraud could also shift to polling stations as voter registration and postal voting safeguards become more robust.⁹⁸

This is a concern shared by the Electoral Commission and it makes the same point in its 2014 report on electoral fraud.⁹⁹

Dr Toby James, a Senior Lecturer at the University of East Anglia, has argued that administrative reforms in one area displace reforms in another area. He has highlighted research, including the Electoral Commission’s own research, that shows millions of eligible voters are missing from the electoral register.

He contests that reforms to the electoral registration process to ensure a more complete electoral register are more pressing than voter ID reforms.¹⁰⁰ He has also conducted research, with Dr Alistair Clark that suggest people being turned away for not being registered is a much bigger problem than suspected fraud in polling stations. The evidence was presented to the Public

⁹⁶ Independent, [Boris Johnson’s voter ID plans ‘illiberal solution for non-existent problem’, says senior Tory](#), 9 May 2021

⁹⁷ Times, [Former Scottish Conservatives leader Ruth Davidson lashes out at voter ID plans](#), 13 May 2021 (log in required)

⁹⁸ Stuart Wilks-Heeg, Manchester Policy blog, [Voter ID at British Polling Stations – Learning the Right Lessons from Northern Ireland](#), 1 March 2018

⁹⁹ Electoral Commission, [Electoral fraud in the UK Final report and recommendations](#), January 2014, p5

¹⁰⁰ Toby James, Democratic Audit blog, [Voter ID is a risky reform when 8m people are already missing from the electoral register](#)

Administration and Constitutional Affairs Committee inquiry on electoral law (see below).

4.4 Electoral administrators

The Association of Electoral Administrators (AEA), which believes the introduction of a voter ID scheme is a matter for the Government, warns any scheme needs “careful consideration”. Its Chief Executive has, like others, warned the introduction should not negatively impact on those wishing to vote and also warns that time is needed to ensure success of the proposals, saying:

Sufficient lead-in time for legislation, administrative planning, delivery, & voter education is vital to ensure any scheme is successful.¹⁰¹

The AEA has also previously warned that a voter ID scheme should not be rolled for the first time during a general election as higher turnout and higher levels of last-minute voter registration would cause significant administrative challenges.¹⁰²

4.5 Parliamentary proceedings

Urgent questions

In the run up to the 2018 voter ID pilots, the Labour Party asked an urgent question. Cat Smith, the Shadow Minister for Voter Engagement, raised the issue of whether the voter ID requirement would have a disproportionate impact on certain groups of voters, the issue raised by the Equality and Human Rights Commission (EHRC).¹⁰³

Labour also asked another urgent question in advance of the 2019 pilots.¹⁰⁴

Westminster Hall debates

Ellie Reeves led a Westminster Hall debate in June 2018 following the 2018 pilots.¹⁰⁵

¹⁰¹ [@AEA_elections](#), 23 June 2021

¹⁰² [AEA statement on the Electoral Commission report on evaluation of Voter ID pilots](#), July 2019

¹⁰³ [HC Deb 23 April 2018 \[Voter ID Pilots\], c605-18](#)

¹⁰⁴ [HC Deb 10 April 2019 \[Voter ID Pilots\], c332-42](#)

¹⁰⁵ [HC Deb 6 June 2018 \[Voter ID Pilot Schemes\], c179-96WH](#)

Committees

Public Administration and Constitutional Affairs Committee

In November 2019, the House of Commons Public Administration and Constitutional Affairs Committee published its report [Electoral Law: The Urgent Need for Review](#).¹⁰⁶

Section 3 of the report examined electoral fraud and the UK Government's plan to improve electoral integrity, including voter ID. The Committee noted that "Voter ID was the most controversial part of our inquiry, we received submissions both strongly in favour and resolutely opposed".¹⁰⁷

Academic witnesses gave evidence to the Committee's inquiry that reiterated the view that voter ID was not a problem that needed solving in the UK.

Dr Stuart Wilks-Heeg and Professor Maria Sobolewska expressed the view to the Committee that it was "difficult to square the government's sole focus on voter ID with the wider evidence of threats to electoral integrity in the UK", explaining that allegations of personation "accounted for a total of 178 cases alleging from 2010–18, with a peak of 44 cases in 2016" and the number of convictions for personation "could be counted on one hand".¹⁰⁸

Dr Toby James and Dr Alistair Clark referenced their survey of polling station staff from the 2018 elections.¹⁰⁹ Their survey of over 2,200 polling station staff across 42 local authorities in England found the most widespread problem was voters being turned away from polling stations because their name was not on the electoral register. Over half (52%) turned away at least one voter. In contrast only 1% suspected fraud had taken place and, according to the authors, implied that it might have been through administrative error rather than deliberate manipulation.¹¹⁰

The Minister again argued the Government's view that voters who did not have photographic ID would be able to access a free of charge Electoral Identity Card, based on the Northern Ireland model. When pushed on the estimated costs of the scheme the Minister, Kevin Foster said, "We will obviously work with stakeholders as to what will be the final cost of it. We can certainly write with details to the Committee when that is available." He added, when asked it could be in the region of £20 million, that was "not a figure I recognise".¹¹¹

The Committee report concluded:

¹⁰⁶ Public Administration and Constitutional Affairs Committee, [Electoral Law: The Urgent Need for Review, 1 November 2019](#), HC 244/2019

¹⁰⁷ Ibid, p17

¹⁰⁸ Ibid, p18

¹⁰⁹ Ibid, p18

¹¹⁰ Toby James and Alistair Clark, [Voter ID: our first results suggest local election pilot was unnecessary and ineffective](#), August 2018

¹¹¹ [Oral evidence session 21 October 2019](#), Q342

It is essential that voters are able to have confidence in the integrity of UK elections, which voter ID can support but there is a lack of robust evidence about the potential effect of voter ID on particular demographics. Furthermore, in the absence of information on the potential cost of voter ID, it is impossible to evaluate the value for money of introducing such requirements. In the absence of such information, voter ID is something over which the Government should exercise extreme caution over proceeding with. We recommend that the Government should continue with voter ID pilots to provide a greater evidence base on the impacts of voter ID on particular demographics and the likely cost of the national roll-out of voter ID.¹¹²

Lords Select Committee on the Electoral Registration and Administration Act 2013

The House of Lords Select Committee on the Electoral Registration and Administration Act 2013 heard similar evidence. It did not take a view on the merits of voter ID but the Committee's key conclusions on voter ID were:

- The Government must ensure that its implementation does not compromise the completeness and accuracy of the registers and that the policy is implemented fairly;
- Given that general election turnout is significantly higher than at local elections the Committee strongly recommend that the first roll-out of voter ID requirements should be at local elections and that a thorough evaluation be carried out so that any necessary adjustments can be made before voter ID is used at a general election;
- The Government must publish greater detail around staffing, cost and funding arrangements for introducing voter ID, and plans for raising public awareness before any legislation for voter ID is introduced to Parliament and ensure that any roll-out allows time for devolved administrations and Local Authorities to prepare fully;
- Local elector cards will be crucial to ensuring that voter ID does not deter or prevent any eligible elector from voting. In this case, the Government must clarify how local elector cards will be funded and how it will ensure that local elector cards are easily accessible for everyone who needs one;

¹¹² Public Administration and Constitutional Affairs Committee, [Electoral Law: The Urgent Need for Review, 1 November 2019](#), HC 244/2019, pp20-1

- The Government must take measures to mitigate the risk of a reduction in turnout, particularly among BAME groups, young people and students, disabled people and some older people. This could include allowing for local elector cards to be issued on polling day for those with inadequate ID. The Government, working with Local Authorities, should also ensure that the introduction of mandatory ID is heavily publicised at local and national level and that there is appropriate outreach to groups who are less likely to engage in the democratic process and so who may be unaware of the requirement.¹¹³

Joint Committee on Human Rights

The Joint Committee on Human Rights held two evidence sessions after the announcement of the Bill in the Queen’s Speech and before the details of the Bill had been published.

Witnesses again highlighted that personation was rare. Dr Toby James told the Committee:

From our poll worker studies, one of the most frequent problems is people turning up wanting to vote, and not being able to because their name is not on the electoral register. That is the most common way in which people are not able to vote.¹¹⁴

The Electoral Reform Society told the Committee argued that it was “implausible” that if large scale polling station fraud was taking place it could be going on undetected.¹¹⁵

Operation Black Vote highlighted the impact on some BAME voters. Some minority groups are already distrustful of public authorities and mistrust in Government institutions. It cited vaccine hesitancy during the Covid vaccine rollout and reluctance to register to vote. For those who need to apply for ID in order to vote OBV expressed concern:

if there is another layer of bureaucracy it will be another impediment for a group that is already hesitant about fully engaging in the democratic process.¹¹⁶

The Electoral Commission also gave evidence. The Committee questioned the Commission on why it had previously recommended voter ID given the concerns that were now being expressed about access to the right to vote.

¹¹³ Select Committee on the Electoral Registration and Administration Act 2013, [An electoral system fit for today? More to be done](#), 8 July 2020, HL Paper 83, Chapter 5

¹¹⁴ Joint Committee on Human Rights [Oral evidence: Legislative Scrutiny: Electoral Integrity Bill](#), HC 223, 21 May 2021, Q6

¹¹⁵ Ibid, Q1

¹¹⁶ Ibid, Q2

The Commission reiterated its view that polling stations were open to the possible vulnerability of voter fraud and “we do not think it is acceptable to ignore the vulnerability at polling stations”.¹¹⁷

However, the Commission also restated its view, expressed after evaluating the 2019 voter ID pilots, that if Parliament decides that voter ID is to be introduced it must be done in a way that answers the Commission’s concerns.

Making a change in introducing voter ID has to improve security; it has to maintain complete accessibility to the system; and it has to be a workable, practical system. Those are the three tests. We have not for one moment suggested that those tests have been passed.¹¹⁸

The Joint Committee’s final report was published on 2 September 2021. It called on the Government to produce clear research setting out whether mandatory ID at the polling station could create barriers to taking part in elections for some groups and how they plan to mitigate this risk effectively.¹¹⁹

It criticised the Cabinet Office for not fully understanding the potential discriminatory impacts on some groups of voters, saying:

It is regrettable that neither the Cabinet Office research nor the Government’s Equality Impact Assessment consider whether a voter ID requirement would disproportionately dissuade members of certain communities from voting.¹²⁰

4.6 Government responses

The Government responded to the reports of the Public Administration and Constitutional Affairs Committee and the House of Lords Committee. It repeated the finding of its evaluation that no consistent demographic group was adversely affected by the voter ID models and that the pilots were a success.

On the merits of voter ID it reiterated its view that:

- Potential for electoral fraud exists and the perception of this undermines public confidence in democracy;
- That although incidence of voter fraud may be low its impact can be significant and takes away a voter’s right to vote as they want;

¹¹⁷ Joint Committee on Human Rights [Oral evidence: Legislative Scrutiny: Electoral Integrity Bill](#), HC 223, 21 May 2021, Q9

¹¹⁸ *Ibid.*, Q10

¹¹⁹ Joint Committee on Human Rights, [Legislative Scrutiny: Elections Bill](#), HC 233 HL Paper 58, 2 September 2021,

¹²⁰ *Ibid.*, p19

- ID requirements for everyday activities, such as picking up a parcel, is something people from all backgrounds do already and voting should be no different; and
- That voter ID does not have a negative effect on election turnout or participation.¹²¹

On some of the specific recommendations made by the House of Lords Committee the Government responded:

- That there was no evidence that voter ID would impact on the completeness and accuracy of electoral registers;
- Cost details, including on public awareness, were still being worked out and would be published alongside planned legislation to roll-out the policy;
- Strong awareness raising campaigns and targeted communications will help ensure that any voter without one of the forms of required ID will know how to apply for a local issued form of voter ID from their local authority. Funding for the additional cost of producing locally issued elector identity documents will be provided by the Government;
- The Government will continue to consult with a broad range of civil society groups, keeping accessibility and Public Sector Equality Duty compliance.

The Government did not specifically commit to rolling out the voter ID requirements at local elections in England. It said as a result of the pilot testing:

The Cabinet Office and Electoral Commission will continue to build on the solid evidence from the pilots and evaluations, and continue to work with local authorities to develop and provide the support needed by Returning Officers to ensure the successful implementation nationally of voter ID.¹²²

However, press reports suggest that the requirement will be in place for local elections in England in May 2023.¹²³

¹²¹ [Electoral law: The Urgent Need for Review: Government Response to the Committee's First Report of Session 2019](#), 15 May 2020, HC 327/2019-21, pp8-9

¹²² Correspondence, Chloe Smith to Lord Shutt, [Government response to report: An electoral system fit for today? More to be done](#), 7 October 2020

¹²³ Telegraph, Photo ID will be needed to vote from 2023; New legislation aims to crack down on polling station fraud, but critics brand plan 'dangerous', 18 February 2021

5

Elections Bill 2021-22

The [Elections Bill 2021-22](#) [Bill 138 of 2021-22] was introduced in the House of Commons on 5 July 2021. The second reading is due on 7 September 2021. [Progress of the Bill](#) will be updated on the Bill's pages on the Parliamentary website. The Commons Library briefing on the Bill, [Elections Bill 2021-22](#) (CBP 9304), provides more detail.

The Bill would make various changes to election law previously committed to by the current Government. Arguably the most controversial aspect of the Bill is the inclusion of voter ID proposals.

The permitted photo documents in the Bill as introduced are:

- A UK, Commonwealth or EEA passport;
- A UK (DVLA or DVA Northern Ireland), Channel Islands, Isle of Man or an EEA driving licence;
- A biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007;
- A PASS card issued by the National Proof of Age Standards Scheme bearing the PASS hologram;
- An MOD Defence Identity Card;
- A concessionary photo travel pass from Oyster 60+, a Freedom Pass, or a concessionary travel pass from a scheme funded by the Government of the United Kingdom, the Scottish Government or the Welsh Government;
- Northern Ireland Concessionary Fares Scheme cards:
 - Senior SmartPass;
 - Registered Blind SmartPass or Blind Person's 35 SmartPass;
 - War Disablement SmartPass or War Disabled SmartPass;
 - A 60+ SmartPass;
 - A Half Fare SmartPass;
- A Blue Badge scheme card issued in Great Britain or Northern Ireland;

- A free voter ID card issued by a person's local electoral registration officer (the new card to be introduced by the Bill) or an existing Northern Ireland voter ID card;
- A national identity card issued by an EEA state

The list of documents can be altered by secondary legislation only if the Electoral Commission has recommended this.

The provisions on the new free voter card state they are to be made available from local electoral registration officers. The card must contain the elector's full name (or elector number if they are registered anonymously) and a photo. No charge can be made for the card.

Detailed regulations will be made about the application process in secondary legislation if the Bill is passed. These will include deadlines for applying before elections and required information on an application.

The Bill also makes amendments to the prescribed questions and tendered ballots process to reflect the new procedures for presenting photo ID.

If ID appears to be fake the voter will be refused a ballot paper. The decision is a matter for the presiding officer in the polling station.

If a voter returns with different ID having already been refused a ballot, they may request a ballot paper. The new provisions ensure that an elector would not be treated as having committed any offence related to trying to obtain multiple ballots if they make another attempt to vote because they had been refused a ballot paper.

If the issue is a discrepancy relating to the name of the voter, the voter can produce further proof of identity to satisfy the presiding officer that they are the elector. This might arise, for example as the result of a name change after marriage.¹²⁴

¹²⁴ Elections Bill 2021-22 [Explanatory Notes](#), p56-8

6 Access to ID

6.1 Existing photo ID

Electoral Commission research

The Electoral Commission [research of a possible photo ID scheme](#), published in 2014 (see section 2.1), estimated the number of people who would have one of the forms of photo ID it recommended was around 92.5% of the electorate. This included driving licences, passports and other cards such as proof of Age Standards Scheme (PASS) cards, military identification cards, police identification cards and firearms licences.

In an electorate of approximately 46 million this would leave almost 3.5 million voters without suitable ID. The Commission estimated that limiting the acceptable form of ID to passports and photographic driving licences could potentially see almost a quarter of the electorate without acceptable photo ID.¹²⁵

As previously noted, the Commission's analysis also highlighted that access to some forms of photo ID varies. For example, older people are less likely to hold a passport and women under 20 and over 65 are less likely to hold a driving licence.

Figures from the National Travel Survey show a variation in the proportion of people with a full driving licence. The data is aggregated into broad groups and shows 76% of White people have a full driving license, but that figure drops to around 60% for Asian and mixed-race people and 50% for Black people.¹²⁶

More recently, the Electoral Commission's [Public Opinion Tracker 2021](#), carried out in February 2021, found that 4% of people eligible to vote (equivalent to around 1.9m voters) did not have any of the existing forms of photo ID that may be required under Government proposals. This proportion was higher among more disadvantaged groups including the unemployed (11%); those renting from a local authority or housing association (12-13%); and people with a disability (8%). Note that these estimates are based on survey data, while the research discussed above used a range of sources to estimate access to photo ID.

¹²⁵ Ibid, p17-8

¹²⁶ Gov.uk Ethnicity facts and figures, [Driving licences](#), 16 December 2020

Cabinet Office research

In May 2021, the Cabinet Office published research on access to photo ID. It had commissioned [research](#) to establish how many people have access to at least one of the forms of photographic ID currently being considered for the voter ID requirement. A nationally representative survey of 8,500 respondents in England, Wales and Scotland carried out in early 2021 estimated that:

- 98% of people eligible to vote held some form of photo ID.**
Data on the number of people eligible to vote is not publicly available, but if the same proportion holds across the entire population, this suggests approximately 1.3 million people do not hold any form of photo ID;¹²⁷ alternatively, if this proportion is the same for voters, then around 925,000 voters do not hold any form of photo ID.¹²⁸
- 96% held a photo ID with a recognisable picture.**
Assuming this proportion is the same for the overall population and voters, this suggests approximately 2.6 million people or 1.9 million voters do not hold a recognisable photo ID;
- 91% held a photo ID that was in-date and had a recognisable picture.**
Assuming this proportion is the same for the overall population and voters, this suggests that approximately 5.8 million people or 4.2 million voters do not have a photo ID that is in date and recognisable.¹²⁹

The Cabinet Office research found that passports were the most common form of ID (91%), followed by driving licences (81%). These figures are higher than other sources suggest: [ONS analysis of the 2011 Census](#) found that 83% of the usually resident population of England and Wales held a passport, while the Department for Transport's [National Travel Survey](#) for England suggests that 75% of residents aged over 17 held a driving licence in 2019. Note however, that the populations measured in these sources are different, covering only England or England and Wales, and including all residents rather than the voting eligible population only.

The Cabinet Office research further found that most people (85%) held more than one form of photo ID, with 13% holding only one form of photo ID. Only two percent of respondents only held a travel pass or other ID (i.e. did not hold a passport or driving licence).

The table below shows the subgroups in different categories that were least likely to hold a form of photo ID: for example, in the age category, those over

¹²⁷ ONS, [Great Britain population mid-year estimate, 2019](#), June 2021: the GB population was 64.9m in June 2019

¹²⁸ ONS, [Electoral Statistics, UK: March 2020](#), January 2021: the GB electorate was 46.3m in March 2020

¹²⁹ Note that not everyone resident in the UK is eligible to vote, and these figures are based on population estimates, rather than electorates. This is because the Cabinet Office survey was designed to be representative of the population rather than voters

85 were less likely to hold a photo ID with a recognisable picture than other age groups.

Groups least likely to have photo ID	
	Access to any ID recognisable ID
Age: 85+	91%
Ethnicity: White	98%
People with a disability	94%
Unemployed people	92%
Education: People without qualifications	94%
Non-voters	96%
Region:	
West Midlands	96%
South West	97%
Yorkshire & Humber	97%

Source: Cabinet Office, [Photographic ID research: headline findings report](#), 11 May 2021

6.2 Voter ID cards

The Bill expected in 2021 to introduce a voter ID requirement will include provisions for a free voter ID card for those without acceptable ID.

The [Cabinet Office's research](#) found that among people without any photo ID, 42% said they were unlikely or very unlikely to apply for such a card, while 43% said they were likely or very likely to do so. Among people with a photo ID that was not recognisable, 50% were likely or very likely to apply for a voter ID card, compared with 30% of those with recognisable IDs.

For comparison, the [Electoral Commission's opinion tracker](#) found that among people without any photo ID, 60% said they would probably or definitely apply to get a local ID card, while 23% were unsure and 17% said they would probably or definitely not apply.

6.3 Attitudes to voter ID

The Electoral Commission's evaluation of the 2019 pilots, noted above, found 90% of people in the pilot scheme said it made no difference or made them more likely to vote if required to show ID. A notable minority said it made them less likely to vote (3%), they didn't have ID (1%) or that they didn't know

(6%). Non-voters in 2019 were more likely than voters to say they would be negatively affected or that they were unsure.¹³⁰

Subsequent Cabinet Office research, published in May 2021, found that most people were equally likely to vote if they had to show ID (89%). While 5% said they were less likely to vote, another 5% said they were more likely to vote, and this increased to 8% among those who had not voted before. The Cabinet Office research found most people were equally likely to vote in person (89%) and felt the voter ID requirement would not make voting difficult (94%).¹³¹

The Cabinet Office research found negative attitudes towards the ID requirement were higher among people without any photo ID and those without recognisable photo ID, as shown in the table below.

Negative attitudes to voting with voter ID requirement			
	Less likely to vote	Less likely to vote in person	Voting becomes difficult
Total	5%	6%	5%
No photo ID	27%	24%	39%
Unrecognisable ID	19%	19%	25%
Recognisable ID	4%	5%	

Source: Cabinet Office, [Photographic ID research: headline findings report](#)

People with disabilities were more likely to say presenting photo ID would make them less likely to vote (7%) and vote in person (8%). These figures increased for people with more severe disabilities. 12% of respondents with a severely limiting disability said that having to present photo ID at the polling station would make voting difficult, compared with four per cent of those with no disability.¹³²

Welsh Government consultation 2018

The Welsh Government consulted on electoral reform for local government in Wales in 2018. It asked voters about voter ID.¹³³ One of the questions asked “Should electors attending a polling station be required to produce ID before they are allowed to vote? If so, what types of identification should be accepted?”.

¹³⁰ Electoral Commission, May 2019 voter identification pilot schemes, [Impact on voters: experience](#)

¹³¹ Cabinet Office, [Photographic ID research: headline findings report](#), 11 May 2021, p9

¹³² Ibid, p10

¹³³ Welsh Government, [Consultation – Summary responses, Electoral Reform in Local Government in Wales](#), April 2018

The responses were divided along similar themes to those already mentioned. 53% of the 673 responses to the principal consultation document expressed support for the principle, with 45% opposed.

Those who agreed said it would add to the integrity and security of voting and reducing fraud. Some suggested there would not be a major issue as people were used to being asked to show identification to confirm their identity in a number of situations. The single most frequently cited types of identification that could be used were passports and driving licences.

Those opposed suggested that there was currently little evidence of voter fraud in Wales and so an identification requirement was unnecessary. Some also pointed to concerns about access to photo ID for some, particularly younger voters if voting age was to be reduced, and some groups with less access to some documents, such as older or less affluent and Black, Asian and Minority Ethnic voters. Some respondents this could act as a deterrent to some of these groups participating.

Some comments noted that voter identification pilots would take place in England and the outcomes should be taken into account.¹³⁴

The Welsh Government did not include proposals for voter ID in subsequent legislation, [Local Government and Elections \(Wales\) Act 2021](#).

¹³⁴ Ibid, pp35-7

7

What is personation?

Personation is the technical term where someone votes pretending to be someone else.

Personation is an offence under section 60 of the [Representation of the People Act 1983](#) and applies to voting in person at a polling station, including as a proxy, or by postal vote.

It is one of a number of offences of electoral fraud that can be termed a corrupt or illegal practice. Someone found guilty of personation could be subject to an unlimited fine and/or up to two years in prison. They could also additionally be disqualified from being registered and voting at any election for five years.

Detecting personation is difficult unless voters are known to polling station staff. As noted above, the Electoral Commission's 2014 report on electoral fraud noted "there are currently few checks available to prevent someone claiming to be an elector and voting in their name."¹³⁵

The only way polling station staff can challenge someone about their identity is to ask the prescribed statutory questions (see below).

7.1

The prescribed questions

Under certain circumstances polling station staff are allowed to ask the 'prescribed questions' to a voter to confirm that the entry on the electoral register refers to the person asking for a ballot paper.

This may occur if the polling station suspect the person of personation or if a candidate, election agent or polling agent present requires the questions to be asked. Polling agents are people appointed by a candidate and are allowed access to polling stations to observe the administration of the poll. One of the roles of polling agents is to detect personation.

The different rules for different elections follow the same format. The questions to be asked in a Parliamentary election to a voter in a polling station in Great Britain are:

¹³⁵ Electoral Commission, [Electoral fraud in the UK Final report and recommendations](#), January 2014, p3

(a) “Are you the person registered in the register of parliamentary electors for this election as follows (read out the whole entry from the register)”

If the answer is ‘no’ then the person is to be refused a ballot paper. If the answer is ‘yes’ then question (b) is asked.

(b) “Have you already voted, here or elsewhere, at this election, otherwise than as proxy for some other person”

If the question is ‘yes’ to question (b) a person is refused a ballot paper. If it is ‘no’ then the person must be issued with a ballot paper.

If a person’s entry on the register has already been marked as voted, then a tendered ballot must be issued (see below). If the person refuses to answer a ballot paper cannot be issued.

Polling station staff may not make any other enquiry about a person’s right to vote other than the prescribed questions.

If the prescribed questions are answered satisfactorily then the person must be issued with a ballot paper, regardless of any doubt that polling station may have of the identity of the person in front of them. The Pickles report points out the relative ease that the prescribed questions could be circumvented:

The use of the ‘statutory questions’ is both very basic and optional and thus they are used rarely or not at all in many polling stations. In any event ‘coaching’ of people being used to commit personation could overcome that check.¹³⁶

7.2 Tendered ballots

Tendered ballot papers are only issued in specific circumstances. A tendered ballot paper can be issued to an elector who, on arrival at the polling station, is told that their name has already been marked as having been issued with a ballot paper. The issue of tendered ballots is rare and statistics are not routinely collected.¹³⁷

In this situation the polling station staff must ask the same prescribed questions as detailed above. If answered satisfactorily, the person must be issued with a tendered ballot instead of an ordinary ballot paper.

Tendered ballots are printed on a different colour paper and are not placed in the ballot box, nor are they counted at the count for that election. Instead, a

¹³⁶ Cabinet Office, [Securing the ballot: review into electoral fraud](#), 12 August 2016, p11

¹³⁷ [Written question HL 7712 \[Local Government: Elections\]](#), 22 May 2018

tendered ballot will be placed in the official envelope provided at each polling station by the presiding officer.

A tendered ballot paper cannot lawfully be counted by a returning officer. Tendered ballots are only counted if an election court allows it. This will be in the event of a contested election. If an election court allows it, ballots can be scrutinised and determine that the tendered ballot is the true ballot cast by the voter and discard the ballot cast fraudulently in the voter's name.

7.3 How much personation is there?

One argument against introducing voter ID is that there is no evidence of a problem. Critics point to the low numbers of allegations of personation.

As noted above, the Electoral Reform Society (ERS) responded to the recommendation the Government was to trial voter ID by saying it was a “a sledgehammer to crack a nut”.¹³⁸

The Electoral Commission produces an annual update of the number of electoral fraud cases by collecting cases of alleged electoral fraud from monthly returns from all 45 territorial police forces across England, Scotland, Wales and Northern Ireland. It notes on its web pages there is “no evidence of large-scale electoral fraud”.¹³⁹

The number of allegations fluctuate, in part because different years will see different types of elections take place in different areas. Analysis of the Electoral Commission data by FullFact shows in the period 2010-18 there were two convictions for personation and the largest number of allegations came in 2016, when there were 45.¹⁴⁰

¹³⁸ Huffington Post article by Josiah Mortimer, Communications Officer for the Electoral Reform Society, [Eric Pickles' Electoral Fraud Report Is A Sledgehammer To Crack A Nut](#), 18 August 2016

¹³⁹ Electoral Commission, [Electoral fraud data web pages](#)

¹⁴⁰ FullFact, [Voter ID scheme: far more turned away than convicted of electoral fraud](#), 16 October 2019

Voter fraud: personation (polling station) allegations and outcomes

	All voting offences		Personation		
	Allegations	Allegations	Convictions	Cautions	
2014	73	21		3	¹
2015	123	26		2	
2016	113	44	1	3	
2017	104	28	1	0	
2018	57		0	0	
2019	142		1	1	
2020	0		0	0	

Notes: general election years highlighted

1. Three voting cases resulted in police cautions: this includes personation as well as other voting offences. Allegations of personation in a polling stations made up 29% of voting cases.

Source: Electoral Commission Fraud data, various volumes, 2014-2019

Recent data

2019

In 2019, 33 cases of polling station irregularities were reported. (either personation, voting more than once or voting while disqualified from voting). 2019 saw local election in England in May (approximately 250 councils), the European Parliament elections at the end of May and a UK Parliamentary election in December.¹⁴¹

As of August 2020, one conviction and one caution had been secured for personation. A voter in West Yorkshire admitted to voting twice, once using his own name and once using his son's name. He was sentenced to 8 weeks in prison (suspended for 12 months), fined £50 and banned from voting for five years.

In West Mercia, a man who knew that he was not on the electoral register and could not vote gave his father's name to polling station staff and was given a ballot paper and cast his vote. A polling station staff member suspected personation and raised their concerns with the police who interviewed the suspect under caution. He fully accepted that he had voted using his father's name and accepted a police caution.

¹⁴¹ Electoral Commission, [2019 electoral fraud data](#), with more detailed figures provided the Electoral Commission on request

2018

Data for 2018 indicate there were 57 cases of alleged voter fraud. Of these, 19 related to voting irregularities (either personation, voting more than once or voting while disqualified from voting). Only 8 related to polling stations, with one of those relating to proxy voting. No prosecutions resulted from these allegations. Apart from local by-elections, the main elections in 2018 were the May local elections in around 150 English councils.¹⁴²

2017

In 2017, there were 28 allegations of personation in polling stations. This compared to between 44 million and 45 million ballots cast at various elections during 2017.¹⁴³

One allegation of personation resulted in a conviction, relating to personation at a polling station. Two cases relating to alleged postal vote personation resulted in police cautions.¹⁴⁴

One of the cautions related to a person in Tower Hamlets who had posted on social media that if their contacts did not intend to vote themselves that they should consider letting the poster use their vote instead.

There were 21 alleged cases of personation in 2014, 26 in 2015, and 45 cases in 2016.¹⁴⁵

Of the 2016 cases, there was one conviction and three cautions. The conviction of the offense committed in 2016 demonstrated the problems faced by polling station staff. A voter attended at a polling station in East Ayrshire during the EU Referendum claiming to be another voter (his friend) and was accordingly issued with a ballot paper in that name which he then used to cast a vote.

Later in the day the same voter attended again to vote in his own name. Because the voter was distinctive in appearance the presiding officer suspected he had already voted and asked the prescribed questions. The voter was able to answer these, and also produced a driving licence, so the Presiding Officer had no choice but to issue him with a ballot paper in his own name. A report was filed with the police and the offender subsequently pleaded guilty in Court.¹⁴⁶

¹⁴² Electoral Commission, [2018 electoral fraud data](#), with more detailed figures provided the Electoral Commission on request

¹⁴³ Electoral Commission, [Analysis of cases of alleged electoral fraud in the UK in 2017 Summary of data recorded by police forces](#), March 2018, p24

¹⁴⁴ Ibid, p21

¹⁴⁵ Ibid, p14

¹⁴⁶ Electoral Commission, [Analysis of cases of alleged electoral fraud in the UK in 2016 Summary of data recorded by police forces March 2017](#), p11

8

Background to voter ID in Northern Ireland

Summary

The then Chief Electoral Officer of Northern Ireland reported that in the early 1980s personation was taking place on a “planned and well organised basis”. Concerns about the level of voter fraud in Northern Ireland culminated in 1983 when 149 arrests were made for personation during the June 1983 General Election.

The Elections (Northern Ireland) Act 1985 introduced the requirement that voters in Northern Ireland had to provide certain ID documents before being issued with a ballot paper in a polling station.

In his report of 1985/86, the CEO reported that the new requirements, whilst controversial, had a “serious effect on the actual, or perceived, level of personation”. At the local elections of 1985 only one arrest for alleged personation was reported. However, concern was raised about the ease with which some ID documents could be forged and parties from all sides considered that malpractice continued.

In the late 1990s and early 2000s the Labour Government held two consultations on updating the voter ID requirements and the Northern Ireland Affairs Committee conducted an inquiry on electoral malpractice in 1997. The SDLP, along with the UUP, Green Party, and the UDP favoured more stringent forms of voter ID. Sinn Féin viewed absent voting malpractice as an area of concern, but on voter ID, it favoured removing ID requirements because it was unnecessary and “biased against students, pensioners and the unemployed”

New measures on voter ID were finally introduced by the Electoral Fraud (Northern Ireland) Act 2002 and these provisions were first used in 2003. This introduced the current requirements that photo ID had to be presented before being issued with a ballot paper.

Dr Stuart Wilks-Heeg, a leading academic on electoral administration, noted in 2018 that the controversies relating to voter ID in Northern Ireland have diminished at each election since it was introduced and confidence in the integrity of elections increased and is now at similar levels to the rest of the UK.

Background

Voter ID requirements were introduced in Northern Ireland after the 1983 UK General Election. This followed representations by the then Chief Electoral Officer (CEO) of Northern Ireland, Pat Bradley, about the extent of electoral fraud he had seen.

In his evidence to a 1997 Northern Ireland Affairs Select Committee inquiry on electoral malpractice in Northern Ireland, the CEO provided background to the introduction of voter ID in Northern Ireland. He submitted evidence to the Committee and noted that electoral fraud was not a new phenomenon in Northern Ireland. He related his experiences of the two by-elections in the UK Parliamentary seat of Fermanagh and South Tyrone held in 1981. His submission states:

My observations, both within the polling stations themselves and in travelling from polling station to polling station led me to the conclusion that personation was taking place on a planned and well organised basis. Subsequent to the election I advised the Secretary of State of the need to introduce additional safeguards to prevent such abuse in the future. I had in mind the use of some sort of identification to ensure that the person applying for a ballot paper was the person he or she claimed to be.¹⁴⁷

Mr Bradley's submission to the Committee also noted the important role of polling agents working for candidates, and that some parties had found it difficult to find sufficient numbers of agents. Polling station staff are restricted to asking the statutory questions to check a person's identity, "A polling agent, and only a polling agent, can request the arrest of a person he or she has good reason to believe is personating another elector".¹⁴⁸

In a separate submission a former deputy electoral officer for Northern Ireland, Joe Connolly, highlighted the problem of polling station fraud:

During the poll for the Northern Ireland Assembly on 20 October 1982, twenty-six arrests were made and a total of 762 tendered ballots issued. At the Westminster Parliamentary election on 9 June 1983, 149 arrests were made for personation and 949 tendered ballots were issued.¹⁴⁹

Both submissions also highlighted other problems related to the extent of electoral registration irregularities and postal voting fraud in Northern Ireland.

¹⁴⁷ Northern Ireland Affairs Select Committee, Electoral Malpractice in Northern Ireland, Minutes of evidence, 5 November 1997

¹⁴⁸ *Ibid*

¹⁴⁹ Northern Ireland Affairs Select Committee, Electoral Malpractice in Northern Ireland, Minutes of evidence, 3 December 1997

Introduction of ID requirement in 1985

The Elections (Northern Ireland) Act 1985 introduced the requirement that voters in Northern Ireland had to provide certain ID documents before being issued with a ballot paper. The original ID requirements, as listed in the Act as passed, were:

- A current driving licence;
- A current passport issued by the UK or Irish Governments;
- A current pension or benefits payment book;
- A Northern Ireland medical card; or
- A certified copy, or extract, of an entry of marriage issued by a Registrar General for women married up to two years before polling day.

These provisions were in place until 2002.

The first election where the requirements to show ID were in place were the local elections of 1985. In his report of 1985/86, the CEO reported that the new requirements, whilst controversial, had a “serious effect on the actual, or perceived, level of personation”.

Only one arrest for alleged personation was reported, although the report does not quantify the number of tendered ballots issued during the poll. He noted, however, that despite a very extensive media campaign informing the electorate of the new requirements, there were claims that a considerable number of voters were disenfranchised because of the narrow range of allowable ID documents. This was claimed to particularly affect certain social groups although no figures or analysis was given in the report.¹⁵⁰

In his 1997 submission to the Northern Ireland Affairs Committee, Mr Bradley noted there was some opposition to the introduction of ID requirements but the introduction was generally seen as a success:

The press overall were of the opinion that the problem of personation had been well addressed. Indeed the Irish News, in an editorial, described the practice as “...well and truly buried”.¹⁵¹

1990s concerns

As mentioned above, the 2015 Electoral Commission report that scoped a possible voter ID scheme for Great Britain, noted the requirements in Northern Ireland were altered because non-photo ID was too easy to forge and insufficient proof of identity.¹⁵² The NHS medical card was of particular concern.

¹⁵⁰ Report of the Chief Electoral Officer for Northern Ireland 1985-86, HC 429, 18 June 1986

¹⁵¹ Northern Ireland Affairs Select Committee, Electoral Malpractice in Northern Ireland, Minutes of evidence, 5 November 1997

¹⁵² Electoral Commission, [Delivering and costing a proof of identity scheme for polling station voters in Great Britain](#), December 2015, p6

The Northern Ireland Forum, an elected body of 110 members set up under the Northern Ireland (Entry to Negotiation, etc) Act 1996, examined electoral reform. The proposals for the Forum were criticised by Sinn Féin and the SDLP.

The Forum's 1997 report quoted poll clerks and presiding officers who had observed but been unable to prevent personation. The Committee examining electoral reform, came to the conclusion that the list of specified ID documents was being abused and legislation should be amended to require photographic identification to be produced before a voting paper is handed over. It stated that:

All of those who provided evidence to the Committee, in addition to all of those who expressed concern during the Forum debate, advocated that photographic identification was the only way to identify an elector. However documents that do not have a photograph cannot simply be disallowed unless there is an alternative that people can use. Evidence provided to the Committee recognised that not all electors possess a driving licence or passport but stated they probably do possess some photographic document which would confirm proof of identity such as bus passes, security passes etc.¹⁵³

The SDLP and Sinn Féin did not participate in the inquiry.

Mr Bradley noted in his 1997 evidence to the Northern Ireland Affairs Committee that:

Without any doubt the franchise is open to serious abuse from the use of forged medical cards so long as such cards are retained on the list of prescribed documents. From the simple operational viewpoint the removal of the medical card from the list would be the obvious answer. I recognise that such a course of action would probably result in the effective disenfranchisement of some electors who have no access to, or need for, the other specified documents unless the medical card were to immediately be replaced by some other more secure document that could be immediately made available to such persons.¹⁵⁴

A Government white paper was published in October 1998.¹⁵⁵ It included recommendations to combat electoral fraud and of an internal review undertaken by the Northern Ireland Office. The review had been prompted by allegations of extensive personation at elections in 1996 and 1997.

¹⁵³ Northern Ireland Forum for Political Dialogue, [Report by Committee on Electoral Reform](#), 31 October 1997

¹⁵⁴ Northern Ireland Affairs Select Committee, Electoral Malpractice in Northern Ireland, Minutes of evidence, 5 November 1997

¹⁵⁵ Northern Ireland Office, Administering Elections in Northern Ireland, Cm 4081, October 1998

The then Secretary of State, Dr Mo Mowlam, invited voters and interested parties in Northern Ireland to provide evidence of voting fraud to the review.

Despite calling for evidence, the white paper noted that “very little material” was submitted detail actual evidence of personation. Several parties submitted contributions, the Ulster Unionist Party, the SDLP, and the Green Party. Contributions were also received from two smaller parties no longer active, UKUP and the UDP. The DUP declined to contribute, saying they had contributed to the Northern Ireland Forum inquiry and said that they hoped the report produced would be taken into account by the Northern Ireland Office review.

The lack of evidence was also a problem encountered by the Northern Ireland Affairs Committee:

A frustrating aspect of this enquiry is the quality of the evidence on which to base findings. Although we wrote to all the political parties in Northern Ireland, the response was varied. There was some evidence based on particular cases and much useful coverage of the impression which exists about the integrity of the electoral process in Northern Ireland, but there was limited coherent evidence of the extent of vote stealing.

...

The Chief Electoral Officer himself is unsure about the extent of the problem. He has asked those political parties who have complained about personation for specific details that would enable him to start an investigation which could ultimately involve the police. He told us that he has still not received any specific instances.¹⁵⁶

The SDLP were the most vocal in their criticism of the existing arrangements, claiming that personation was a significant problem. However, the party had produced little evidence, with the Northern Ireland Office review stating:

There is obviously a very strong perception among SDLP members that electoral malpractice is a very serious problem, and the lack of evidence does not mean they are wrong. It simply rules out the possibility of being able to assess accurately the scale of the problem and initiate action to identify (and prosecute) perpetrators.¹⁵⁷

The SDLP, along with the UUP, Green Party, and the UDP favoured more stringent forms of voter ID.¹⁵⁸

¹⁵⁶ Northern Ireland Affairs Committee, [Electoral Malpractice in Northern Ireland](#), HC 316 Session 1997-98 paras 46-49

¹⁵⁷ Northern Ireland Office, *Administering Elections in Northern Ireland*, Cm 4081, October 1998, p46

¹⁵⁸ *Ibid*, p49

Sinn Féin did not submit evidence to the review, but the Northern Ireland Office relied on evidence the party had submitted to the Northern Ireland Affairs Select Committee. The review summarised Sinn Féin's view as, that they had suffered from electoral malpractice, despite other parties' views that Sinn Féin's electoral success was due to malpractice. The party viewed absent voting malpractice as an area of concern, but on voter ID, it favoured removing ID requirements because it was unnecessary and "biased against students, pensioners and the unemployed".¹⁵⁹

Academic submissions to the review considered that electoral was "thought to be occurring on some scale" but that it was not, overall, a serious problem. Those responding to the review suggested the abuse which did occur was "not confined to one party or one half of the political or religious divide".¹⁶⁰

The white paper recommended that a single purpose electoral card should be introduced. At this stage, the recommendation was that the card should not carry a photo but that any card should incorporate smartcard technology with a digitised signature. It considered that a scheme incorporating signatures would have benefits at proving ID at various stages of the electoral process, including registration and absent ballot requests.

The white paper also rules out a more general national ID scheme. Although the advantages of a national scheme would be useful for administering elections and reducing personation, it noted that:

A compulsory identity scheme would almost certainly be viewed with suspicion and as a potential infringement of civil liberties, particularly if it were introduced in Northern Ireland alone.¹⁶¹

Introduction of photo ID in 2002

In March 2001 the Government issued another white paper, Electoral Fraud (Northern Ireland).¹⁶² In this paper, the Government said it would introduce a new, voluntary photographic identity card to replace the non-photographic documents then included on the list of approved documents. The proposal had been "widely welcomed by the parties" according to the paper. Passports and driving licences were to continue to be permitted.

The idea of smartcards, with biometric readers in polling stations and "the possibility of a comprehensive and secure electoral identity system" was marked as an aspiration for the future.

The Government estimated up to half of the population of Northern Ireland would not hold a passport or driving licence, up to 600,000 eligible voters. It

¹⁵⁹ Ibid, p48

¹⁶⁰ Ibid, p50

¹⁶¹ Ibid, p17-18

¹⁶² Northern Ireland Office, [Combating Electoral Fraud in Northern Ireland](#), Cm 5080, 12 March 2001

expected the roll out to take 18 months from the time legislation would permit their issue:

The Government is determined that no one should be disenfranchised until they have had every reasonable opportunity to acquire photographic ID. Once the Government is certain that it is safe to remove the other documents from the list, the voter ID card, the passport and driving licence will be the only ID acceptable at the polling station.¹⁶³

The House of Commons debated the Northern Ireland Affairs Committee report, along with the white paper of 1998, in March 2001, shortly after the second white paper had been published. The then minister, George Howarth, explained the delay bringing forward the proposals on various aspects of electoral malpractice, not just personation:

That is not because of any lack of commitment to the problem, because the matter is of grave concern, something on which I have received many representations, and an issue that I take seriously. The truth of the matter is that the measures in the White Paper have been refined and developed after detailed consultations with all political parties, with the chief electoral officer, and with registration and electoral officers in Great Britain, as well as after an examination of all the measures that have been introduced in other parts of the world to combat electoral fraud.¹⁶⁴

Some of the measures the Government wanted to introduce, in relation to registration, also relied on new technology that was not yet in place.

The measures on voter ID were finally introduced by the Electoral Fraud (Northern Ireland) Act 2002 and these provisions were first used in 2003.¹⁶⁵ These are the requirements detailed in section 1.2 above. The 2002 Act also introduced individual electoral registration for voters in Northern Ireland.

In its report on the 2003 Northern Ireland Assembly elections, the Electoral Commission also noted the problem with data collection. It compared surveys of presiding officers after 2001 elections and those of November 2003. Its findings showed that the suspicion of electoral fraud among polling station staff had reduced dramatically. The Police Service of Northern Ireland confirmed that it had not received any reports of attempted personation during election day.¹⁶⁶

Writing in 2018, Dr Stuart Wilks-Heeg, a leading academic on electoral administration, noted the controversies relating to voter ID in Northern

¹⁶³ Ibid, para 42

¹⁶⁴ [HC Deb 29 March 2001, c344WH](#)

¹⁶⁵ The background and measures in the Bill was examined in Library briefing RP01-63, [Electoral Fraud \(Northern Ireland\) Bill \(Bill 6 of 2001-02\)](#)

¹⁶⁶ Electoral Commission, The Northern Ireland Assembly elections 2003 April 2004: The official report on the Northern Ireland Assembly elections 26 November 2003, p85

Ireland have diminished at each election since it was introduced. He has also noted confidence in the integrity of elections has also increased:

There was no evidence to suggest a fall in turnout, but there was plenty of evidence that fraud declined sharply. At the 2005 UK General Election, just 55 tendered ballots were issued in Northern Ireland, a 94% reduction compared to 1983. There has been just one conviction for personation in Northern Ireland since 2002. Meanwhile, public confidence in the integrity of elections in Northern Ireland is up. In the early 2000s, 66% of Northern Irish electors believed electoral fraud was commonplace in some areas. By 2017, the proportion who thought at least some fraud took place was 28%, in line with the rest of the UK.¹⁶⁷

¹⁶⁷ Stuart Wilks-Heegs, [Manchester University Policy blogs, Voter ID at British Polling Stations – Learning the Right Lessons from Northern Ireland](#), March 2018

9

Case study - Canada

1 Summary

Voter ID requirements for federal elections were introduced in 2007 by the Conservative Government with general cross-party agreement from the three largest parties at the time. They were first used in the election of 2008. Overall Elections Canada's statutory reports on general elections has found high levels of understanding and access to voter ID requirements.

Currently voters may choose from an approved list of documents to prove ID and residence at their registered address. Voters without required documentation can use a process known as vouching or attestation to prove their ID and residence. This is where an elector who is also registered at the same polling station and has suitable ID will vouch that the person without ID is who they say they are. The current requirements are set out in the Elections Canada document: ID to Vote.

The original requirements were subject to a legal challenge on the basis that it would prevent electors from exercising their right to vote, as guaranteed by section 3 of the Canadian Charter of Rights and Freedoms.

The court accepted that voter ID was interfered with the right in section 3 but was "demonstrably justified" under section 1 of the Charter, which guarantees rights and freedoms of all Canadians. Section 3 is not absolute and can be limited to protect other rights or important national values. The court found of voter ID, "it constitutes a reasonable limit, prescribed by law and demonstrably justifiable in a free and democratic society".

Subsequent changes to the voter ID system have been subject to more partisan disagreement between the Conservatives and the other parties.

While still in government the Conservative Party tightened the rules to prevent use of the polling cards, known as voter identification cards or VICs, and to remove vouching as a way of proving identity. However, the Bill was amended in Committee to allow voters to prove their address by attestation by another voter.

A significant minority of voters in Canada struggled to prove their residence address as they lack documents that prove the address used to register to vote, in particular residents of First Nation reserves. Following the election victory of the Liberal Party in 2015, the rules were changed the rules to allow

use of the VICs to prove address and ID. The previous Government had opposed to the use of VICs for any part of the ID or residence verification as it said it was too easy to use someone else's card.

The Elections Modernization Act 2018 received Royal Assent in December 2018 and removed the prohibition on the Chief Electoral Officer authorizing the voter information card as identification. It also allowed voters to prove their identity and residence by making a solemn declaration and being vouched for by another elector. The new requirements were used in the October 2019 federal elections.

In post-poll research 94% of voters reported they found it very easy to prove their identity and address when they voted, and another 5% said it was somewhat easy with only 1% finding it difficult.

The likelihood of finding it very easy was lower among Indigenous voters (91% versus 94% of non-Indigenous voters), new Canadians (89% versus 94% of other Canadians), and 18- to 24-year-olds (90% versus 94% of electors aged 25 and older).

Background

Before 2007 the Canadian system was like the current system in Great Britain, voters did not need to provide ID at a polling station, they only needed to be correctly registered.

Canada introduced voter ID requirements for Federal Parliamentary elections in 2008. The 2007 legislation that amended the Canadian Elections Act to require voters to produce ID was introduced following recommendations from an all-party report of the Standing Committee on Procedure and House Affairs.

The Committee recommended that voter ID should be introduced to prevent against voter fraud. It noted that the extent of the problem was not known but shared witnesses' concerns that the potential for fraud undermined the integrity of the electoral process:

It is not our intention to impose any measures that would discourage voting, nor do we want to make voting more difficult than necessary. The credibility and legitimacy of the system, however, require that procedures be adopted to ensure that only those persons who are entitled to vote do so, and that they are who they say they are. This is essential to preserve the integrity in the electoral system.¹⁶⁸

¹⁶⁸ [Improving the integrity of the electoral process: recommendations for legislative change](#), Report of the Standing Committee on Procedure and House Affairs, June 2006, p25

It noted that all of the parties then represented in the House of Commons supported a more effective method of ensuring voter identification, including photo identification, with alternatives available for persons who are unable to furnish the required identification.

The Committee also advised against making voter information cards (VIC), or polling cards, an acceptable form of voter ID. It concluded that the potential for abuse for voter fraud from using a polling card as voter ID was 'rife'. It highlighted that in some addresses with multiple occupation polling cards could be left in lobby areas or cards could be easily discarded and used by others:

we wish to make it clear that voter information cards do not entitle a person to cast a ballot, although, in practice, they seem to serve that purpose. Given the problems with how they are delivered or disposed of, this entire issue must be addressed as a priority.¹⁶⁹

The Canadian Conservative Government accepted the recommendations and included provisions in [Bill C-31](#) in October 2006. Opposition parties accepted the principle of the need for voter ID but wanted to see safeguards that voters less likely to have acceptable ID, such as Aboriginal, homeless and low-income voters and those living in remote areas. The Bill passed its Third Reading in the House of Commons with the support of the three largest parties, the Conservatives, the Liberals and the Bloc Québécois.

2007 legislation

The Act received Royal Assent in 2007 and required Canadian voters who voted at polling stations to provide proof of ID in one of three ways:

- an original piece of approved photo ID, which included the voters name and address, issued by any level of Canadian government including government agencies;
- two original pieces of identification from a list authorized by the Chief Electoral Officer of Canada. Both had to show the name of the elector, and one had also to show the elector's address;
- swear an oath and be vouched for an elector who is also registered at the same polling station and has suitable ID.

The Chief Electoral Officer is responsible for issuing a list of appropriate documents. About 20 pieces of ID and 20 pieces of original documentation were added to the list.

There were concerns that about 5% of remote rural electors who had no appropriate address to prove residence within their polling district. Many

¹⁶⁹ Ibid

remote voters rely on a post office box or general delivery to a post office. An amendment was passed in late 2007 to allow these voters to show additional identification to establish their residence within the electoral district.

A legal challenge to the new requirements was filed in the Supreme Court of British Columbia in early 2008 by voters supported by civil liberties groups. It said the requirements would prevent electors from exercising their right to vote, as guaranteed by section 3 of the Canadian Charter of Rights and Freedoms. The Government argued the issues of voter fraud and lack of confidence in the electoral system stemming from a perception by the electorate that fraud is prevalent or could affect the outcome of elections.

The court found the voter ID requirements did interfere with the right to vote under section 3 but that the ID requirements were “demonstrably justified” under section 1 of the Canadian Charter of Rights and Freedoms as “it constitutes a reasonable limit, prescribed by law and demonstrably justifiable in a free and democratic society”, under section 1 of the Charter. Section 1 guarantees rights and freedoms of all Canadians but provides that they are not absolute and can be limited to protect other rights or important national values.¹⁷⁰

The court concluded that it must analyse the provisions in a societal context and not whether an alternative arrangement for a particular claimant could be devised. It acknowledged there was some detriment to the voters who brought the case but these did not outweigh the benefits of the lower the risk of fraud and increased confidence in the integrity of the vote.¹⁷¹ An appeal was dismissed by the Appeal Court of British Columbia in 2014.¹⁷²

2008 and 2011 elections

The federal ID requirements for voters were first used the general election of October 2008. Elections Canada consulted with representatives of several communities of electors that might face challenges in meeting the new voter identification requirements, such as northern Canadians, seniors and residents of long-term care facilities, students and homeless persons.

The Chief Electoral Officer of Canada’s statutory report on the election stated these groups of voters posed significant challenges.

The main issues identified with the new voter ID provisions were:

- Some electors were unable to present pieces of identification and official documents that could prove their residence, for example citizens in long-term care facilities no longer carried acceptable identification;
- There was inconsistent application of the new rules and confusion in some polling stations. Elections Canada noted that it may have been

¹⁷⁰ [Guide to the Canadian Charter of Rights and Freedoms](#), Government of Canada

¹⁷¹ [Henry v. Canada \(Attorney General\), 2010 BCSC 610](#)

¹⁷² [\[2014\] BCJ No 122 \(QL\)](#)

unrealistic to expect poll workers to recognize and process 46 different pieces of identification and official documents with limited training sessions;

- In survey work, almost 1 in 5 voters thought the polling card was sufficient ID, although nearly all reported being able to vote as they had alternatives;
- Some electors could not provide any proof of residence. Examples included persons residing in homeless shelters, student residences and long-term care facilities, or on Aboriginal reserves.¹⁷³

At the next general election, in 2011, Elections Canada allowed the polling card, known as the VIC, to be used in conjunction with another piece of ID to facilitate proof of identity and address for certain categories of electors in specific locations: students living on campus, Aboriginal electors living on reserves and seniors living in residences and long-term care facilities. According to the post-election research by Elections Canada this went well.

As in the previous election, community relations officers worked with specific target groups of electors – namely, youth, Aboriginal and ethnocultural communities, and homeless electors – to raise awareness about the electoral process. Elections Canada expanded the Community Relations Officer Program to include community relations officers for seniors living in residences and long-term care facilities to address the specific registration and identification barriers faced by these electors in the 2008 election.

Overall, Elections Canada research found 97% of electors were aware of the requirement to present proof of identity, and 89% about proof of address, before voting. It found 97% of those who voted said that it was easy to meet the identification requirements. Aboriginal electors were less likely to have a positive view of the identification requirements than the general population (90% compared to 96%).

Among the surveyed candidates, 72% reported that they or their representatives had witnessed no problems related to the voter identification requirements, an increase of 11 percentage points over 2008.¹⁷⁴

2014 legislative changes

In June 2014 the Canadian Parliament approved legislation that tightened the voter ID requirements. This was in response to a review of processes commissioned by elections Canada in March 2013.

The review followed a legal dispute after the 2011 election. The Ontario Superior Court declared the result in the Etobicoke Centre riding to be null and void because as administrative ‘irregularities’ had led to 79 ineligible

¹⁷³ Elections Canada, [Report of the Chief Electoral Officer of Canada on the 40th general election of October 14, 2008](#), p44-5

¹⁷⁴ Elections Canada, [Report on the evaluations of the 41st general election of May 2, 2011](#), p12-13

votes being cast in a seat that was won by 26 votes. The sitting Member appealed and the Canadian Supreme Court overturned the lower court by striking out only 59 of the 79 ineligible votes, giving the sitting Member a majority of 6.

The irregularities applied to ‘exceptions’ method of voting, particularly same day registration of voters and the vouching process of proving ID at the polling station by talking an oath. 52 votes were invalid because election officers made serious errors in the administration of voter registration procedures, and the remaining 27 cases involved serious errors within the application of identity vouching procedures.

Elections Canada commissioned a review and audit, noting that, “public trust in an electoral process is fundamental to perceptions about the legitimacy of democratic governance.”¹⁷⁵

The report, known as the Neufield Report, found that 85% of federal voters vote through a “regular” voting procedure, free from administrative obstacle.¹⁷⁶

The remaining 15% led to more challenges:

It is during these more complex procedures — registration, vouching, oaths, translation assistance, eligibility challenges, et cetera — that election officers often err. Too frequently, the errors are so serious that the courts would judge them to be “irregularities” that violate the legal provisions that establish an elector’s entitlement to vote.¹⁷⁷

The report’s author noted that:

Identity vouching procedures are unquestionably the most complex “exception” process administered at polling stations. The level of irregularities for vouching averaged 25 percent.¹⁷⁸

Elections Canada agreed with the report’s conclusion that it should investigate methods of reducing the need for vouching by improving awareness and extending the use of the VIC (or polling card) as a way of verifying a voter’s address:

For 2015, we plan to revise our voter identification policy to permit the Voter Information Card (VIC) to be used as proof of address for all electors when it is accompanied by another approved piece of identification. We will also look at simplifying the list of acceptable pieces of identification. These measures should improve access,

¹⁷⁵ [A Review of Compliance with Election Day Registration and Voting Process Rules](#), March 2013, p11

¹⁷⁶ Harry Neufield was a Canadian election administration professional with more than 30 years of management experience in elections.

¹⁷⁷ Ibid, p14

¹⁷⁸ Ibid, p15, footnote 14

simplify the process for electors and election workers and reduce the requirement for vouching.¹⁷⁹

In the subsequent legislation the Conservative Government disagreed and proposed banning using VICs as evidence of address and ending vouching procedures. The Bill was criticised by the main opposition parties as a measure to disenfranchise a significant number of voters.

The Standing Committee on Procedure and House Affairs held evidence sessions on the Bill during its scrutiny of the Bill.

The then Chief Electoral Officer of Elections Canada gave evidence to the Committee. He voiced concerns about the effects of the Bill on the groups most likely to lack required documentation:

The Neufeld report estimates that approximately 120,000 active voters in the last election relied on vouching, and we can expect that a significant proportion of them would not be able to vote under the rules proposed by [the] Bill

...

It is critical to understand that, as recognized by the Supreme Court of Canada, the vast majority of these were strictly record-keeping errors by poll workers documenting the vouching process, and not fraud or even irregularities that could compromise an election.

He also did not believe prohibiting the use of VICs for confirming address was justified:

It is worth noting that the VIC is the only document issued by the federal government that includes address information. The Canadian passport, for example, does not include an address. In fact, with an accuracy rate of 90%, the VIC is likely the most accurate and widely available government document. The VIC is based on regular updates from driver's licence bureaus, the Canada Revenue Agency, Citizenship and Immigration Canada, and various other authoritative sources.

He concluded his remarks on the voter ID amendments proposed by the Bill by saying:

I do not believe that if we eliminate vouching and the VIC as proof of address we will have in any way improved the integrity of the voting process. However, we will certainly have taken away the ability of many qualified electors to vote.¹⁸⁰

¹⁷⁹ Ibid, p39

¹⁸⁰ [Evidence session 6 March 2014](#)

The author of the Neufield report also gave evidence and noted:

My report concludes that this is a systemic problem related to our antiquated voting model. At no point in the report do I link vouching with fraudulent voting.

...

over the course of my study I heard of no candidate scrutineers, voters, or media representatives ever raising an issue with respect to vouching fraud. I am not aware of any formal complaints in this regard.¹⁸¹

Civil liberties groups also gave evidence to the Committee opposing the proposed changes. The Canadian Civil Liberties Association shared the view that there was no issue of voter fraud that needed ‘fixing’:

The appropriate response to a concern that something may be broken in the administration of our electoral system is to take steps to fix it.¹⁸²

The Bill was amended by the Committee to allow a new attestation procedure for voters who did not have any documentation that proved residence.

In the Act as passed voters could no longer use the vouching process to establish their identity. The Act prohibited the Chief Electoral Officer including the VIC as an official piece of evidence establish identity or residence.

The new procedure allowed voters to prove their residence by taking an oath and having another voter vouch for them. The voter vouching must already have proved their identification and residence in the normal way and appear on the voter list in the same polling station. They must also have made a written solemn declaration.¹⁸³

2015 election

After the 2015 General Election, surveys found similar levels of understanding and access to voter ID requirements. The survey found 99% saying it was easy to meet the identification requirements, almost everyone who voted (99%) said they had the required identification with them when they went to vote. The vast majority of voters (93%) said they used a single piece of identification showing their name, address and photograph, nearly all of these used a driving licence.

About 3% of the general population used the second option of showing two documents, both with their name and at least one with their address. Less

¹⁸¹ [Evidence session 27 March 2014](#)

¹⁸² [Evidence session 2 April 2014](#)

¹⁸³ Library of Parliament, [Legislative Summary of Bill C-23: An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts](#), Section 2.3.3.1 Vouching Replaced by Attestation

than 1% used the third option, which was the new residence attestation process approved in 2014.

In the retrospective report on the election, Elections Canada reported that some electors continued to have difficulties proving their address. In its follow-up recommendations Elections Canada noted that:

These requirements for qualified electors who lack documentary proof of address are onerous and may leave them unable to vote. Although the number of such electors is small, any time an elector is disenfranchised, it is a concern.

Estimates based on the Labour Force Survey after the election, indicated about 173,000 voters who did not vote cited inability to prove identity or address as the reason.

Among them, some 49,600 (28.7 percent) said they went to the polling station, but did not vote because they were not able to prove their identity and address. Approximately 39 percent of that group were aged 18 to 34. Election officers' feedback confirmed these findings, as 10 percent reported problems in verifying electors' identity and almost twice as many (19 percent) in verifying address.¹⁸⁴

Elections Canada recommended that a voter vouching/attesting to the residence of another voter should not be limited to attesting to just one person, particularly residents of care homes or shelters, residents of First Nations reserves and family members from the same address.

It also recommended the prohibition on allowing VICs to verify address should be repealed:

Allowing electors to use their voter information card as proof of address at the polls, together with another document proving identity, would help those who are on the list of electors meet the identification requirements. The CEO successfully tested the card's use as proof of address in various pilot projects at specific locations in 2010 and 2011.¹⁸⁵

These recommendations were taken forward and the Liberal Government introduced legislation to allow VICs to be used for voter ID. The Conservative Party opposed the move saying the cards were too frequently inaccurate and there were sufficient other forms of documentation.

The Elections Modernization Act 2018 received Royal Assent in December 2018 and removed the prohibition on the Chief Electoral Officer authorizing the voter information card as identification. It also allowed voters to prove their

¹⁸⁴ Election Canada, [Retrospective Report on the 42nd General Election of October 19, 2015](#), p26

¹⁸⁵ Elections Canada, [An Electoral Framework for the 21st Century: Recommendations from the Chief Electoral Officer of Canada Following the 42nd General Election](#)

identity and residence by making a solemn declaration and being vouched for by another elector. Electors who reside in an institution where seniors or persons with a disability reside to be vouched for by an employee of the institution. The employee may vouch for more than one elector and must reside in the same electoral district or adjacent electoral district as the person being vouched for.¹⁸⁶

2019 election

The new requirements were used in the election of October 2019. In post-poll research 94% of voters reported they found it very easy to prove their identity and address when they voted, and another 5% said it was somewhat easy with only 1% finding it difficult.

The likelihood of finding it very easy was lower among Indigenous voters (91% versus 94% of non-Indigenous voters), new Canadians (89% versus 94% of other Canadians), and 18- to 24-year-olds (90% versus 94% of electors aged 25 and older).

Voters who used one piece of ID (94%) were more likely than those who used two pieces of ID (83%) to have said it was very easy to meet the ID requirements.

Overall, 94% of voters used one piece of approved photo ID, with most using their driver's license. Only 5% used another form of photo ID.

4% of voters used two authorized pieces of ID that together could establish identity and address for the purposes of voting. Less than 1% had to declare their identity and address in writing and have another voter vouch for them. Voters under 34 and 75 or older were more likely to use two authorised pieces if ID.

Disabled voters were also more likely to use the two-pieces of ID method. In addition, the likelihood of using two pieces of ID increased as the severity of a disability increased, from 4% of those with no disability to 9% of those with a severe/very severe disability.¹⁸⁷

¹⁸⁶ [Elections Canada](#)

¹⁸⁷ [Elections Canada, Detailed Findings – National Electors Study on the 43rd Canadian Federal General Election: Report on Voter Experience](#)

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