

BIG BROTHER WATCH

DEFENDING CIVIL LIBERTIES, PROTECTING PRIVACY

Big Brother Watch Briefing on Voter ID Proposals

October 2019

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Overview

We strongly caution against proposals for compulsory photo IDs for voters. Such proposals are unjustified, risk damaging democracy and could lead to an ID scheme by the backdoor.

Unjustified and unnecessary

1. The case for a compulsory voter ID system has not been justified or explained. Evidence shows that voter impersonation is an incredibly rare crime. Following the 2017 elections, which saw 44.6 million votes cast and the highest voter turnout at a general election for 20 years,¹ there was only one conviction resulting from 28 allegations of in-person voter fraud² - i.e. 0.000063%.
2. At a time when the Cabinet Office is pursuing a “Democratic Engagement Plan”³ which aims to “increase participation among under registered groups”, it is counterproductive for the government to propose measures that would restrict the rights of voters in the name of targeting such an incredibly infrequent, albeit serious, crime. Other forms of fraud and microtargeted political advertising may pose greater risks to the integrity of elections than this extremely rare issue.

Trials

3. In trials of voter ID requirements during 2018 and 2019 local elections, three different types of voter ID demands were tested: photo ID; mixed ID (either photo ID or two pieces of non-photo ID); or the poll card. In areas piloting the photo ID and mixed ID requirements, voters who did not already have such ID could apply to their local council for an identity certificate.

Turned away at the ballot box

4. The results of voter ID trials demonstrate that such requirements are disproportionate and damaging to democracy. In the 2018 voter ID trials, 340

1 <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7979>

2 https://www.electoralcommission.org.uk/sites/default/files/pdf_file/Fraud-allegations-data-report-2017.pdf

3 <https://www.gov.uk/government/publications/democratic-engagement-respecting-protecting-and-promoting-our-democracy>

people were refused their vote across the 5 trial areas (not including a further 348 who were initially turned away before returning with ID). In 2019 voter ID trials, 819 people were refused their vote in local elections across 8 trial areas.

5. Disenfranchisement resulting from compulsory voter ID requirements is a serious detriment to individuals' rights, and could also impact electoral outcomes. In the 2018 voter ID trials, the 140 people turned away from the polling station in Bromley alone is a larger amount than the majorities won by 13 MPs at the 2017 general election.⁴ Voter ID disenfranchisement clearly has the potential to significantly impact election results and the make-up of local and national governments.
6. In the 2019 trials, approximately 2,083 people were refused a ballot paper after arriving at their polling station without the required ID, and 758 failed to return with the required ID (36%), thus losing their vote.⁵
7. The figures do not include the unknown numbers of voters who were put off from attending the polling station altogether due to the ID regulations.

Elderly, poor and BAME groups most affected

8. Those in our country least likely to hold photo ID are the elderly, people from ethnic minority backgrounds and poorer people (2011 census).
9. The numbers of people without photo IDs are significant. 9.5 million people do not have a passport;⁶ 9 million do not have a driving license.⁷ If these forms of photo ID were required to vote, up to 24% of the electorate would be unable to vote.⁸ The impact would be considerable even if the bar were set lower. 3.5

4 <https://www.electoral-reform.org.uk/latest-news-and-research/publications/a-sledgehammer-to-crack-a-nut-the-2018-voter-id-trials/#sub-section-9>

5 <https://blogs.lse.ac.uk/politicsandpolicy/five-things-we-have-learnt-about-englands-voter-id-trials-in-the-2019-local-elections/>

6 https://webarchive.nationalarchives.gov.uk/20160107124139/http://www.ons.gov.uk/ons/dcp171776_31044_1.pdf

7 <https://www.electoral-reform.org.uk/campaigns/upgrading-our-democracy/voter-id/>

8 <https://www.electoral-reform.org.uk/how-does-mandatory-voter-id-disenfranchise-the-public/>

million of those eligible to vote (7.5% of the electorate) do not have any acceptable form of photo ID.⁹

10. It is important to note that none of the recent trial areas significantly reflected these groups and as such the trials have not represented the impact that voter ID requirements will have in the areas most likely to be adversely affected.¹⁰

11. In its findings, the Electoral Commission confirmed that the 5 trial areas in 2018 “were not sufficiently varied to be representative of the different areas and groups of people across the rest of Great Britain”, in terms of environment (rural/urban) and demography (race, wealth, age etc.):¹¹

a) The areas trialled were politically uniform: all returned MPs from the same party in 2017 (Conservative), and all but one have councils run by the same party (again, Conservative, with Watford the only exception).

b) The areas were relatively well-off: each of the local authorities ranks in the top half of the 2016 Legatum Prosperity index - a broad measure of economic health - with Woking, Bromley and Watford featuring particularly highly (13th, 59th and 83rd out of 389 respectively).

12. In its review of the 2019 voter ID trials, the Electoral Commission confirmed again that: “as was the case with the five 2018 pilots, the ten areas piloting in 2019 are not fully representative, in socio-demographic terms, of many areas of Great Britain.”¹²

13. It appears that a lower socio-economic status was associated with a higher voter rejection rate in the 2018 trials. Gosport, which had 25.1% of its population in the bottom social grade at the last census (2011), had a higher voter rejection

9 https://www.electoralcommission.org.uk/sites/default/files/pdf_file/Proof-of-identity-scheme-updated-March-2016.pdf

10 <https://www.electoral-reform.org.uk/campaigns/upgrading-our-democracy/voter-id/>

11 https://www.electoralcommission.org.uk/sites/default/files/pdf_file/May-2018-voter-identification-pilots-evaluation-report.pdf

12 <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/voter-identification-pilots/may-2019-voter-identification-pilot-schemes/our-findings>

rate (0.21%) than Bromley (0.16%), which recorded 16.2% of its population in the bottom social grade. Although definitive conclusions cannot be drawn, this initial trend is a concerning indication that socio-economic status may correlate with voter ID associated disenfranchisement.

An ID scheme by the backdoor?

14. The UK has long rejected proposals for a national ID scheme. However, the requirement for personal ID to access the most fundamental democratic right citizens have, the right to vote, could in practice require all citizens to hold ID.
15. Since millions of people do not currently have an ID, it is likely that the Government would need to introduce a new identification scheme to make ID more accessible for under-represented groups, if voter ID proposals are pursued.
16. To require those without common forms of ID (e.g. driving licence, passport) to obtain new documents in order to vote would place an unfair burden on them. Although it is to be commended that Chloe Smith (Parliamentary Secretary, Cabinet Office) has emphasised the importance of ensuring “safety nets” are available, this only highlights the fact that these citizens will face further obstacles to voting than others. This would prevent voting under the new system from being a truly level playing field.

Legality

17. A legal opinion by barristers Antony Peto QC and Natasha Simonsen (Blackstone Chambers) in June 2018 warned that voter ID trials could be unlawful, as their introduction may be in breach of the Representation of the People Act 2000.
18. Neil Coughlan is bringing a crowdfunded legal challenge to voter ID trials in his area (Braintree District Council). Neither he, nor his immediate family members, hold photo IDs.¹³

13 <https://www.crowdjustice.com/case/defending-our-democracy-say-no-to-voter-id/>

Summary

- **There is no evidence suggesting that a voter ID scheme is necessary.** In 2017 there were only 28 allegations of voter impersonation out of 44.6 million votes cast – that’s just 1 allegation for every 1.6 million votes cast, and only 1 vote in 44.6 million resulting in conviction.
- **Evidence suggests voter ID requirements would cause more damage than good to democracy.** Trials at local elections have seen hundreds of people turned away from ballot boxes – at numbers that could swing election results.
- **Requiring voter ID would create an extra obstacle for the millions of people without ID in the electorate, which could increase disenfranchisement, decrease turnout and undermine fairness.** 9.5 million people do not hold passports; 9 million do not have a driving license; 3.5 million people have no acceptable photo ID at all.
- **Voter ID requirements would disproportionately disenfranchise older people, poorer people and BAME groups,** as people in these groups are statistically less likely to hold IDs in the UK.
- **Compulsory voter ID could lead to a new ID scheme.** The British public has made clear time and time again that we don’t want ID cards, ID numbers, or centralised databases of highly sensitive information about us. Such a scheme would increase state control without benefiting the people.