

**Speech to the UCL Constitution Unit  
26 March 2014  
Jenny Watson – Chair, Electoral Commission**

**Opening remarks**

Thank you.

It's good to have the chance to speak to you all today.

It seems like one of the many unwritten conventions of our constitutional framework, stolen from the Greeks of course as so many are, that all speeches have to cover three issues. And given the focus of my hosts today it would seem wrong to tear up that approach.

The scrutiny of our electoral system and how it can be improved remains a significant issue. So I'd like to take the opportunity today to talk to you about the challenges and opportunities represented by the imminent move to Individual Electoral Registration and what the Commission is doing to support this work.

And I'd like to conclude by looking at what the future may hold for electoral modernisation and the important role that I think this could play in the debate around turnout that has intensified in recent years.

But first I would like to summarise quickly some of the significant polls that are due to be held over the next couple of years and the challenges in ensuring that these are delivered successfully.

And I should note they are polls that will reflect a number of improvements that have already been made in recent years from the impact of our performance standards in ensuring that there is much more consistent work on the ground by electoral administrators to the Government's response to our call for new close of poll arrangements so that voters are not stranded in a queue and unable to cast their vote. The kind of situation that I am sure you all remember from 2010 is now a thing of the past: should you find yourself in a queue at close of poll you will now be able to cast your vote.

**Elections – from 2014 to 2016**

But there are always new challenges that emerge and that will no doubt be true over the next couple of years as we enter a particularly busy phase of the electoral cycle.

This May we have the European Parliamentary elections, with a number of local council and some Mayoral elections held on the same day. Shortly after which we plan to publish our report recommending improvements to the process of standing for election following our recent consultation on this issue.

And we then have perhaps the most constitutionally significant event for this country of the century so far, the Independence Referendum in Scotland on 18 September this year.

I'd like to take a moment to mark in particular the passage of this referendum legislation, the timing of which has ensured that the statutory framework and rules governing the poll have been in place well in advance of polling day itself. This is a model that we hope is followed for all future referendums, and indeed all elections in general, across the UK.

This is likely to be particularly important for us given that supporting the successful delivery of referendums looks like a feature of our work that will continue.

We already know that legislation is about to be introduced allowing for a referendum in Wales on further devolution. And a referendum on UK membership of the EU is the subject of considerable public debate at the moment and, depending on what Parliament decides, may well take place at some point in the next few years.

Timely and comprehensive legislation that allows for the proper planning of a poll by those responsible for delivering it will help ensure that confidence in the effectiveness of our electoral system can be maintained. And it shouldn't be too difficult to deliver for the vast majority of polls.

We then of course move onto the General Election next May. This will, as ever, provide the high profile challenge for us and administrators that it always does. Particularly since it is combined with the largest set of local elections in England for many years.

I also want to highlight though that for those responsible for delivering elections, 2016 will also be a significant challenge. 2015 is by no means the end of this electoral cycle for those of us at the Commission. In May that year there will be elections to the Scottish Parliament, the National Assembly for Wales and the Northern Ireland assembly; local authority, the Greater London Authority and London Mayor elections; and a second round of Police and Crime Commissioner elections.

The profile of some of these elections can wax and wane depending on wider political factors. But the need to ensure they are delivered successfully does not. Maintaining confidence in our electoral system is a challenge that should not be underestimated and it is important to acknowledge the success of those on the ground in delivering this.

90 per cent of voters we talked to said the elections in May last year were well-run. And despite the funding pressure that local authorities have been under in recent times that has been a consistent message from voters over the past two or three years. It is a testament to the hard work that the teams on the ground put in and those of us that care about constitutional matters owe them our thanks.

That is not to say the system is perfect of course. We made a number of proposals recently to improve our electoral system, including the introduction of voter ID for in person voting to help combat both actual fraud and damaging allegations that undermine trust in the system. Once we have a secure registration system, we have to make sure that we address other areas of potential vulnerability.

And whilst we appreciate that recommendations such as this and our proposal that campaigners should no longer handle postal vote ballot packs or completed postal vote application forms are challenging for many, we believe they are important. The alternatives that some have called for, such as abolishing postal votes and running the risk of disenfranchising the more than 5.5 million that used them at the last General Election, are far less palatable.

And whilst we are on issues which have recently been the subject of public comment, we are, of course, currently in the process of drafting guidance for the pithily titled Transparency of Lobbying, Non Party Campaigning and Trade Union Administration Act. You might know this better as the Lobbying Act.

Amongst other things, this Act makes changes to the existing system of rules that cover the spending of campaigners not standing for election, but whose activities appear to be intended to influence voters ahead of the general election. Our guidance will make clear how we will regulate the revised system.

As we said as the legislation progressed through Parliament we are clear that, where significant non-party campaigning takes place, this should be transparent and properly regulated through proportionate and effective controls. We made a number of proposals to improve this legislation, a significant number of which have found their way into law.

We know there has been concern about the potential impact of this legislation on campaigning ahead of the next UK Parliamentary General Election. And over the past month, we have been talking to a wide range of organisations to ensure that our guidance covers all the areas that it needs to in order that non-party campaigners have clarity about the new regime and how it will apply to them. And we will ensure that our experience as the regulator feeds into the review which was promised by government during debate in the House of Lords.

### **The move to IER**

But the most significant pending change of course is the introduction of Individual Electoral Registration, which will begin in June this year.

It's something that the Commission has been calling for almost since we were established and I would now like to move on to some of the challenges it presents and the role we plan to take in helping address these.

The principle of IER was of course initially introduced into legislation by the last Labour Government, with the legislation updated by the Coalition Government shortly after they came into power. To be introduced on a transitional basis from June, although it will of course not affect anyone's ability to vote at the next General Election, it's the most significant change to our electoral system for over a century, abolishing the old system of household registration and introducing a more secure, personalised approach.

The timetable for implementation has been the subject of heated Parliamentary debate. However, we remain confident that, with the hard work everyone has put in

to make the new system a success so far, it makes sense to begin the move to IER now.

But I would like to make clear from the outset that this does not mean the transition should automatically conclude a year early – in 2015 – as the government has indicated it would prefer. The timetable remains challenging and if at any point we believe the risks of bringing forward the final transition to December 2015 are too great, we will say so. Using the evidence we gather during this transitional period, we will not shy away from recommending to Government that it reduce the speed of implementation if we think this is needed.

There are strong arguments to support implementation beginning now, however. In particular, since the principle of IER was introduced in the Political Parties and Elections Act, there have been two significant developments since the PPE Act was passed.

The first is online registration. The new system is quick and easy to use and should appeal to our population of under registered younger voters who are more used to engaging with online services, a theme I would like to return to later.

We also now have data matching in place, which has proved to be an invaluable development in making transition to the new register easy for as many of us as possible. A test of this confirmation process – known as the confirmation dry run or CDR – was carried out last summer, matching each local electoral register against DWPs data.

This enabled just over three quarters of those on the current registers to be automatically transferred across to the new one. We recognise that this would still mean there are approximately 10 million existing electors who would not be transferred and EROs will still be working to register the many people we know are not currently registered.

So it therefore cannot be stressed enough that this is not a final figure, but a starting point.

The confirmation process has provided a template from which EROs can conduct further data matching by using their local databases to build on the success of the initial DWP match rates. Where this has been done, on average, there has been a further 6% increase in the match rates locally before a single elector is even written to and invited to register as an individual.

And the data matching process has been of much wider value. It has provided EROs the information they need to identify the groups of people in their local area that are least likely to be matched automatically, helping them to develop plans to specifically target these groups in their planning for the final move to IER. And they have until the end of transition at the end of 2015 - at the earliest - to get their registers as complete as possible, subject to the caveat I have already made about whether we identify there is a need to slow the pace of change to allow more time to get this right.

This means getting everyone who's currently on an electoral register onto the new system, but also targeting as many as possible of the 6 million who aren't currently registered.

I'd like to highlight that all the data we collected to inform our report on the confirmation process is available on our website – the match rates for every local government ward throughout Great Britain. And this will be updated with further confirmation data later this year. I would encourage you and those with expertise in this area to take this data and use it in new and innovative ways to help further develop the picture that it paints. We are already thinking about how we might best share it and present it so that it can help, for example, those who want to run voter registration drives.

We know that there will be intense local and national interest in how the IER transition is managed and we know all eyes will be on the Government, local administrators and ourselves as it is implemented. Our aim is that everyone involved can say that they have done everything they reasonably could to ensure this is managed as successfully as possible.

The Commission has a crucial role to play in this. We will be running a mass-media public awareness campaign to coincide with administrators write-out to voters. This will happen this summer in England and Wales - and after the referendum in Scotland – and it is designed to encourage people to register and complement the work that administrators will be doing locally.

Following data matching, and from our previous experience, we know that the people most likely not to be confirmed at the outset are young adults and students; people that have recently moved home; and people that live in private rented accommodation. We also know that there are 6 million people not on the register at all - again young people, people in the private rented sector, and people from some ethnic minority communities are disproportionately represented here. They are all potentially disenfranchised if they turn up to vote on polling day and find they can't. So we are working with a range of partner organisations who have good links with people in these groups and who can help pass on the message to them.

This includes organisations such as Bite the Ballot, whose recent efforts to launch a National Voter Registration Day should be welcomed by all of us that care about our political system and which we are committed to helping them build on next year before the General Election.

We are also ensuring that how we work with electoral administrators locally reflects how they will be working as IER is implemented.

Since 2008 we have set performance standards for administrators and to their credit, performance against these has improved since their introduction. Working in partnership with administrators we have now designed new standards that will help support them in the move to IER and give us the information we need to monitor it.

And again it appears that the vast majority of administrators have risen to the challenge, with early indications that performance against the new standards is high.

The challenge for the Commission now is to build on this by not just monitoring what is happening, but working with administrators to ensure that good practice is shared across the electoral community – and more widely given significant interest in IER.

So whilst we don't underestimate the challenge of the transition to IER, we do believe we are in a good place as it approaches. We think it is important that the process should start with as complete a set of registers as possible and we will report in July 2014 on the accuracy and completeness of the final registers compiled under household registration.

We are also responsible for conducting data collection and analysis about the registers at several points during the transition period. This includes at the time of the 2015 general election.

Our public assessment of how the transition is going shortly after the 2015 election will focus on how many electors have not, at that point, either been confirmed or registered individually and who would, at the end of transition, be removed from the registers. We will also consider how this picture varies across the country, as current evidence suggests it is likely to.

I can't stress too strongly that there is no point looking only at a national match figure. We need to look carefully at local variation – particularly in light of the fact that there are important elections in May 2016. Take London for example. It has a very mobile population, and mobility presents a challenge to the electoral register. If we find that many potential voters would be removed from the register and disenfranchised just ahead of the London elections, it would be unlikely we would recommend an early transition. We will also be particularly interested in understanding what is happening in wards with large numbers of students, although this is complicated by the fact that students might be quite legitimately registered at their home address.

And our work will not stop there. We will also measure the accuracy and completeness of the registers after the transition to IER is complete. This will include reporting in summer 2016 on the December 2015 registers if the transition does indeed end in December 2015 following our earlier reports.

The scale and nature of the 2016 polls, as I described them earlier, is significant. The combination of polls means that everywhere in Great Britain is going to the polls on 5 May 2016 and we would want to be satisfied that particular areas are not going to have significantly worse levels of registration than others. I should reiterate that it is only if we are absolutely confident that the system can cope with the move to IER that we will recommend it finally goes ahead a year earlier than the legislation establishes. We are clear that the most important issue is that people are not disenfranchised as a result of this change. And we will watch carefully to ensure that this risk is managed effectively throughout the implementation process

But we must also acknowledge that, as well as the risks that we are managing, IER also brings some real opportunities with it – such as enhanced cross-authority working and sharing of good practice and in supporting a real modernising step forward with the introduction of online registration applications.

And it is this last point on modernisation that I would now like to explore in more detail.

## **Electoral modernisation**

I hope that you are all aware of the fundamentally important work that is currently being conducted by the Law Commissions of the UK to reform our overarching electoral law framework.

So much of our electoral law is in primary legislation and built on Nineteenth Century foundations. And it is voluminous, with around 40 pieces of primary and a somewhat mind boggling 150 pieces of secondary legislation on the statute book at present, with the added complexity of different legislation applying to Scotland, Wales and Northern Ireland.

We believe that the fundamental look at first principles that is currently being conducted by the Law Commissions will be invaluable in helping to modernise the legal framework and make the system function more effectively. This is an important and significant piece of work and we look forward to the consultation that they are aiming to publish later this year. I would encourage you all to participate in it.

The legislation governing the system is, of course, extremely important. But the more practical issue of how our citizens engage with and participate in the system is also crucial.

Through our public awareness work, we have a key role in educating and informing the public about how they can vote and engage with the electoral system. And as part of the Corporate Plan that we recently published, we said that over the next 5 years we will continue to take seriously the implications of low turnout and increase the work that we do to support organisations and individuals best placed to tackle public disengagement.

However, as many of you will know, in 2007 the Committee on Standards in Public Life, said that pursuing the aims of increasing voter turnout and democratic participation was not the most effective use of our limited resources. The Speaker's Committee supported this change, and both the Government and Opposition at the time said that they agreed with this shift.

So since then our public awareness work has focussed on ensuring people know when elections are and how they can register to vote. With each campaign we run we are also committed to understanding what has been most effective so that we can use this to inform each subsequent campaign and make them as efficient and as successful as possible.

I know that this is an area that is currently being examined by the Political and Constitutional Reform Committee, which may help inform a new political consensus on the Commission's role in encouraging participation. But I should make clear that, whilst I believe we have an important role to play, I agree with the consensus reached in 2007 that this is not an issue that the Electoral Commission can 'own' alone.

The reasons that sit behind why people vote are complex and the vast majority of them sit well outside our control. Politicians and political parties cannot shirk responsibility for leading much of this debate and I particularly welcome the PCRCs inquiry.

That is not to say that I think we should sit on the sidelines either. As I've already mentioned, where organisations such as Bite the Ballot and Operation Black Vote run targeted campaigns to encourage people to vote, we have an important role to play in supporting this work as much as possible. We want to learn from how they campaign and engage people and use this to inform our own campaign work.

And we are already working to improve how we use social media and other mechanisms to reach voters, with our recent overseas voter campaign providing a useful model that we plan to build on for future campaigns.

And building on the political consensus around our role in 2007, we have a crucial part to play in looking at the mechanics of our electoral system, which are likely to have an increasing impact on the issues related to turnout.

As a society, we are at risk of how we ask people to engage with our electoral system, and indeed politics in general, becoming increasingly disconnected from how they interact with both each other and with other institutions, from their banking arrangements to their weekly shop.

The UK needs an ambitious and comprehensive strategy for bringing the way we vote into the modern age. This seems a logical area for the Commission to explore and advise on the options for change, working with the Electoral Advisory Board, administrators and others to inform our approach.

Having said that, I must reiterate that some crucial and welcome steps in the right direction are already being taken.

I have already referenced the new system of online registration that will be launched this June. This represents a real step forward in bringing our electoral system into the modern world. And I believe that this should be the first step in addressing the disconnect between how our citizens are expected to engage with our electoral system compared to how they engage with everything else in their lives.

Of course, this is an area that is already under some scrutiny. I welcome too the new Speakers Committee on Digital Democracy that has been established and we look forward to engaging with them on their work as it develops.

And I hope that the inquiry being conducted by the Political and Constitutional Reform Committee on voter engagement in the UK will also take time to look at some of the issues around the mechanics of our system and how they could be improved.

And I can confirm that we ourselves will be looking at the possibilities to inform our future recommendations to Government. Indeed, after the next General Election, I envisage this being a significant part of our work. We will of course need to consider carefully the balance between the security of the system as opposed to its accessibility. But as technology advances and society develops, this is not an issue that can stay on the slow track any longer. Whether it is the ability to register to vote on the day of the election or voters being able to use any polling station in their constituency, or the introduction of advance voting, or even more radical options such as e-voting, we plan to look at a variety of options, assessing how they will help citizens engage more effectively.

And we will not do this in isolation. For instance, we will work with Regional Returning Officers through the Electoral Advisory Board, a group that is already alive to this issue, as well as with any other organisations that have an interest in this area, to identify what the best options are for modernising the system. We want to make sure the voice of the electoral community is heard in the debate about how the way we vote develops.

We need to build on the positive steps taken by the Government with online registration and explore what else we can do to make the system more reflective of wider society. And by doing so we could by proxy help address some of the issues with turnout, particular amongst an increasingly disenfranchised younger generation. And I hope many of you in this room will contribute to our work as it develops.

And it is this thought on which I would like to conclude.

Thank you all for listening/look forward to discussion.