

Feedback on voter identification pilots

RNIB response

RNIB completely understand and respect the need to make sure that voting processes are secure, but fear that introducing voter ID in its current form is potentially a further way of disenfranchising blind and partially sighted people.

RNIB undertook research before the pilot schemes to look at attitudes amongst blind and partially sighted people to providing ID at a polling station and people raised concerns about access to photo ID and the security around taking such documents to the polling station.

The biggest concern raised was the lack of driving licenses amongst blind and partially sighted people, meaning that they had fewer options of what they could provide at the polling station.

In respect of the pilots that ran during the local elections in May, RNIB expressed concern on several occasions that not enough was being done to communicate to people with sight loss what was required of them when it came to ID and voting – leaflets and printed materials were too heavily relied upon by local authorities, and it was unclear whether adequate equality impact assessments were done as no reasonable adjustments seemed to have been put in place.

One of the biggest concerns that we raised was the use of polling cards as the ID requirement. Residents across the country have been told over a number of years that they don't need their polling card to vote and now that has changed. RNIB has consistently highlighted that polling cards are still inaccessible and often get mistaken for junk mail and put in the bin, so until there are moves to make polling cards more accessible we would not recommend relying on them as a valid voter ID.

The feedback that we received on polling day this year was primarily focussed on the continued inaccessibility of voting, and problems that people had found in their polling station, but the comments that we received in relation to Voter ID was solidly focussed on not knowing that it was happening, and also questions about why in some areas a Freedom Pass/Disabled Persons' Pass couldn't be used as ID. Many people suggested that as some local authorities issue blind and partially sighted people with a registration card that this should be accepted as appropriate ID by polling station staff.

We recommend that a wide-range of ID is accepted at polling stations and that when deciding what ID to accept that thought is given to those who are less likely to have a formal ID.

Whilst we know that some people were disenfranchised due to not having the right ID at the polling station and then not coming back a second time, it is difficult to know how many people simply did not even try to vote because they viewed it as too difficult a process. Similarly, we don't know the numbers of people who didn't understand that there was a back-stop provided by local authorities if they didn't have any other ID.

For blind and partially sighted people, completing a separate form in order to get permission to vote could just be one more inaccessible barrier to voting in the same way as their sighted peers.

Given that there is a government commitment to introducing Voter ID for elections across the country, we believe more must be done to really tackle the accessibility problems that came up through the pilots undertaken in 2018 so that blind and partially sighted people aren't further disenfranchised from voting.

Real effort must be made by local authorities to look at equalities issues when designing their pilot plans, and the government should make accessibility a key part of the way that they evaluate future pilots.

We acknowledge that communications around Voter ID will be much easier when there is a national standard and one set of ID requirements the same for every local authority, but the government should think now about how to engage with those who are less likely to have formal ID and how their national and local communications around the requirements can reach those who have sight loss.

Mencap response

About Royal Mencap Society and learning disability

We support the 1.5 million people with a learning disability in the UK and their families. We fight to change laws and improve health and care services as well as and access to education and employment. A learning disability is caused by the way the brain develops before, during or shortly after birth. It is always lifelong and affects intellectual and social development.

Numbers of people with a learning disability voting

- Only **31%** of people with a learning disability **reported** that they voted in the **2001** in comparison to **59.4%** of the general population had actually voted.¹

¹ 'Adults with learning difficulties in England 2003/4 Health and Social Care Information Centre (2003)

- A study featuring 1600 people with a learning disability across Cambridgeshire found that over **80%** had not voted in the 2005 General Election in comparison to 39% of the general population.²
- A survey conducted by Mencap in 2014 found that 70% of people with a learning disability say they intended to vote in the 2015 general election.³
- However, 60% said they found the process of registering to vote too difficult and 17% said they had been turned away from a polling station.
- Soon to be published research of over 1000 people with a learning disability in Bradford - found that while 86% were registered to vote only **26%** cast their vote in the 2015 General Election.⁴
- There are no figures on numbers for the 2017 General Election although research would be helpful to ascertain whether a 'snap election' impacts on participation rates.

Barriers to voting

People with learning disability have as much right to vote as anyone else. However, multiple barriers prevent people with learning disability from being able to engage in politics, register to vote and vote itself.

Unfortunately, many people working with people with a learning disability, support workers, families and professionals do not understand the law or empower the person they support to vote. In some cases, people with a learning disability are actively dissuaded from voting.

Research shows that if families and professionals have the tools and knowledge to support people with a learning disability to make an informed decision and vote, they will in turn do so.

Inaccessible communication remains one of the largest hurdles faced by people with a learning disability with media communications, manifesto and election materials often jargon filled. All of this means that people with a learning disability feel excluded and are therefore less likely to see the value in voting.

Voter ID

The 2017 Conservative Party manifesto outlined that a future Conservative Government would “legislate to ensure that a form of identification must be presented before voting”⁵. Subsequently, the Cabinet Office was directed to begin work on piloting voter ID in the 2018 local elections. Bromley, Gosport,

² Participation in the 2005 General Election by adults with intellectual disabilities, Keeley (2007)

³ The Mencap survey polled 553 people with a learning disability, and was conducted between 6 June and 18 August 2014.

⁴ Learning Disabled Adults Participation in the 2015 General Election, Tizard Review (to be published)

⁵ <https://www.conservatives.com/manifesto>

Swindon, Watford and Woking volunteered to take part in these pilots under the supervision of the Cabinet Office. Each area tested a different set of acceptable ID from simply presenting a polling card to producing a piece of photo ID.

Ahead of the pilots each volunteer area put out varying communications regarding the pilot and what ID would be accepted. This included holding shop stalls, producing posters and speaking with local Mencap groups.

However, the majority of these communications seemed to take place only a few weeks ahead of the 2018 local elections. We fear this will have left many people with a learning disability unaware of the pilots and their requirements.

On the day of the local elections there were numerous reports of people being turned away from polling stations for failing to show acceptable ID. Subsequently, the BBC revealed that 340 people were turned away from casting their vote⁶.

These are only early figures and we await the evaluation being undertaken by the Electoral Commission.

Mencap's Concerns

Mencap is extremely concerned that introducing ID at polling stations could inadvertently disenfranchise people with a learning disability.

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.

Danny Brice, a Mencap employee shared his concerns about access to ID in a blog for the [Huffington Post](#);

*"I understand the Government want to prevent voter fraud, but it also needs to remember that not everyone has all types of ID. For me, for example, being able to produce my bus pass would be perfect – this is something I always have to hand and a type of ID that many people with a learning disability will already have."*⁷

Throughout the lead-up to the elections, Mencap raised concerns about the lack of accessible communications about the pilot. Local Mencap groups were only approached by pilot areas at a late stage leaving little room for engagement.

⁶ <http://www.bbc.co.uk/news/uk-england-44197338>

⁷ https://www.huffingtonpost.co.uk/entry/voter-id-reforms-could-take-away-my-vote_uk_5ae9d36ce4b00f70f0ee37f1

Mencap is also concerned about how the results of the pilot's evaluation will be interpreted. To provide a complete picture the evaluation must look at those who voted but also those who didn't to ascertain whether Voter ID presented an additional barrier to the practical and attitudinal barriers we have detailed above.

What we want to see

The Government must urgently conduct research to ascertain the types of ID that the 1 million people with a learning disability of voting age in the UK are in possession of and look at the impact that the introduction of compulsory ID at the polling station would have.

Rolling out compulsory ID at the polling stations must be accompanied by an accessible communications strategy targeted at people with a learning disability, their families, carers and professionals.

There is also an opportunity with any communications strategy to challenge negative attitudes out there which are preventing people from participating.

Additionally, we hope the Cabinet Office continues to engage with national and local organisations to better understand the effects of voter ID on people with learning disability.

Stonewall response

Along with many others, Stonewall raised concerns when the Government announced their plans to pilot a new vote ID scheme for the local government elections on the 3 May 2018. Not only are cases of electoral fraud very rare, we were concerned that a requirement to provide a form of approved ID would create a further barrier to minority groups who may want to vote.

For many minority groups, including LGBT, black, Asian and minority ethnic, disabled and homeless people, the complicated and costly process to obtain ID, such as a passport or driving licence, means many simply do not have these documents.

Furthermore, trans and non-binary people may have been particularly vulnerable to these ID requirements as the photo on their ID may not reflect their gender expression or identity. Stonewall was deeply concerned that this may lead to confusion or challenges from staff at the pilot polling stations.

Stonewall now urges the Government to reconsider rolling these pilots out as standard and instead work closely with minority communities to understand what can be done to reduce the barriers they face when voting.

Labour Party response

At local government elections the Government piloted voter ID in five local authorities: Woking, Gosport, Bromley, Watford and Swindon. Those without the required ID on polling day were turned away at the polling station and denied their right to vote.

The Labour Party believes in a democracy for the many not the few. We want everyone's voice to be heard, no matter someone's background. Although we welcome the opportunity to submit evidence regarding our experience of the pilots, we fundamentally disagree with the Government's plans to introduce voter ID at polling stations.

This submission is made by Cat Smith MP, the Shadow Minister for Voter Engagement and Youth Affairs on behalf of the Labour Party. To inform our response, we invited Labour Councillors, unsuccessful candidates, and election agents to submit evidence of their experience of voter ID in the pilot areas.

A solution in search of a problem

The Government intention to introduce voter ID is presented as a solution to tackle the specific issue of voter impersonation. Electoral fraud is a serious crime and every allegation needs to be investigated fully. Indeed, isolated incidents of electoral fraud have taken place and it is vital that the police have the resources they need to bring about prosecution.

However, the proposals outlined by the Government are clearly disproportionate. In 2017 there were 28 allegations of impersonation out of nearly 45 million votes cast. This reflects just 1 case for every 1.6 million votes cast. Of these 28 allegations, one case resulted in a conviction.

In addition, none of the five English boroughs that took part in the voter ID pilots have experienced a single instance of polling station impersonation in the past decade. Trust in our democratic system is vital, which is why strategies to tackle fraud should be based on facts.

Discriminatory measures

The Windrush scandal has demonstrated that it can be difficult for some communities to provide official documentation, which could prevent legitimate voters from taking part in our democratic process.

The Electoral Commission itself has reported that 3.5 million electors – 7.5% of the electorate – do not have photo ID. Moreover, in the 2011 Census, 9.5 million people stated they did not hold a passport and in 2013/14 1.7 million people lacked even a bank account. That makes mandatory voter ID – with no free provision – a barrier to many people exercising their right to vote.

The Equality and Human Rights Commission (EHRC) warned the Government that voter ID will have a disproportionate impact on voters with protected characteristics, particularly ethnic minority communities, older people, trans people, and people with disabilities. The EHRC also warned that if voters were disenfranchised as a result of restrictive identification requirements, this could violate Article 1 Protocol 1 of the European Convention on Human Rights, as incorporated into domestic law by the Human Rights Act 1998.

This significant intervention from the EHRC echoes similar concerns raised by a coalition of over 40 leading charities and academics earlier this year who urged the Government to abandon the pilots. In a letter dated 1st March addressed to the Cabinet Office, the coalition stated that the voter ID pilots presented “a significant barrier to democratic engagement and risk compromising a basic human right for some of the most marginalised groups in society”.

Anecdotal evidence on polling day suggests that voters who were impacted by the ID requirements were often older people, disabled people, and/or from ethnic minority communities.

“We had numerous (10-15) people inform us they would not be able to go and vote due to these reasons when we were canvassing in the run up to the election. These people were often from an ethnic minority background. Particularly in the Canalside ward, where there is a significant population of people of ethnic minority background the turnout dropped from 38.07% to 36.07%.” Election Agent, Woking Labour Party

“At a Hoe Valley polling station, a blue disability badge was presented as ID - this was not on the list of accepted ID and so was down to the presiding officer's discretion. I was told that this ID was not accepted.” Election Agent, Woking Labour Party

“One elderly lady in her late eighties using walking aid had one id and poll card but even though staff assisted her as best they could she did not have another valid id and did not return. This lady has probably voted the same way all her adult life and it is some in her generation that could be put off or confused.” Councillor June Cully, Leader of Gosport Labour Group

“I heard a conversation about a deaf person in the polling station having difficulty with the request to read out the address. I heard comments from people who objected to being asked to read out their address as they did not want others to hear.” Councillor Vanessa Allen, London Borough of Bromley

Restrictive measures for replacement ID

The Government claims that voters without required ID in the pilot areas could obtain replacement documentation from their local authority. For example, voters in Bromley, Gosport and Woking could apply for a certificate of identity

or a local elector card. However, charities and academics warned that the measures did not go far enough to alleviate the potential risk of disenfranchisement and deterrent to voting.

Proof of identity

Voters had to supply proof of identity and proof of residence to process the application for an elector card. In Woking, this required either two pieces of photo ID and one piece of non-photo ID, or four pieces of non-photo ID. This presents a somewhat impossible task for voters who do not have the required ID to vote but then are required to supply the same form of identification to apply for an elector card.

Attestation

The application required an attestation in writing from a person of good standing in the community. This person must be a registered elector, not a family member, and has not already signed an attestation for one or two or more applicants. Anecdotal evidence on polling day suggests this presented a barrier to participation and prevented some voters from taking part in the election.

“We know of several people who struggled to obtain a local elector card and some who were unable to and therefore could not vote last Thursday. The reasons for this were due to the difficulty to get a photo attested by someone 'of good standing', a lost birth certificate, etc.” Election Agent, Woking Labour Party

In person

Voters were required to hand in the application in person at the local council. The typical visit hours would be 8:30am to 5pm, Monday to Friday. This could present significant challenges for working people, as well as people with disabilities or mobility issues who may have difficulty getting to their local town.

Timing

The application process had to be completed by 5pm on Wednesday 2 May 2018. This meant that voters could not obtain replacement documentation on polling day, which presents a significant barrier for voters. Even in the U.S. states of Texas, where they have adopted some of the most restrictive voter ID laws in the US, electors without ID can still cast a “provisional ballot” at the polling station on polling day. Voters are then required to confirm the validity of the vote at a later date.

Negligence on behalf of the Government local authorities

S.149 of the Equality Act 2010 (Public Sector Equality Duty) requires a public authority in the carrying out of all its functions to have due regard to the need to eliminate discrimination, to advance equality of opportunity and to foster good relations across the protected characteristics of age, disability, gender,

gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation.

The Government claim that each local authority completed an equality impact assessment, which was subject to expert and detailed scrutiny from Cabinet Office, the Electoral Commission and the Association of Electoral Administrators.

However, there is clear evidence that this has not taken place and most of the local authorities participating in the pilot schemes failed to carry out adequate equality impact assessments (EIAs) on protected individuals in their areas.

The Equality and Human Rights Commission have said that they “observed a failure to fully identify all potential impacts on each of the protected groups and/or to provide sufficient mitigation for any adverse impact identified”. They also stated that “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”.

This echoes the concern raised by charities and academics who said that the pilot authorities “have failed to carry out adequate equality impact assessments of the pilots on protected individuals in their areas”.

Bromley London Borough Council

Bromley’s EIA considers some superficial negative impacts as a result of the requirement for ID and equally superficial mitigation is suggested to address these. However, the council did not consider in any detail how the needs of those with protected characteristics would be met by the mitigation. It concludes that there will be no adverse impact on those with the protected characteristics of: disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation. No consideration of possible negative impacts were made on those with a disability, protected characteristic of race (including travellers), and those who are homeless.

Gosport Borough Council

Gosport’s EIA failed to give due regard to the impact the new requirements would have particularly on those with the protected characteristics of Age and Race. There appears to have been no consideration of any potential negative impacts of the changes on these protected groups. No consideration of possible negative impacts on those of different racial backgrounds, different religions and beliefs, and on the homeless.

Swindon Borough Council

Swindon’s EIA considers a number of negative impacts but states for each that training of Poll Station staff in combination with the Communications Plan will be sufficient to mitigate these negative impacts. The EIA does not explore in much detail the possible negative impacts.

Watford Borough Council

Watford's EIA mentioned a number of negative impacts superficially and proposes no mitigation proposed (aside from communications plan) or analysis of likely impacts on those with protected characteristics.

Woking Borough Council

Woking's EIA was undertaken in much more detail and negative impacts have been considered for each and mitigation proposed and explained.

A flawed pilot scheme

A significant issue with the pilot scheme is that the areas chosen were self-selection. As a result, all the pilots took place in urban areas and most in the South East. This meant that the pilot areas did not adequately represent the groups most likely to be affected by the introduction of voter ID.

In addition, none of the trial areas had a significantly older, poorer or ethnically diverse population than the national average who we know are the people most likely to be excluded by voter ID. Because of this, it will be impossible to determine the true impact of voter ID on the wider population.

Limitations to the evaluation process

We welcome the opportunity to feed into the Electoral Commission's statutory evaluation process. However, there are a number of limitations to the evaluation:

- There will be no detailed analysis of the impact of voter ID on different demographics.
- The evaluation does not include an analysis of the marked registers to understand the effect of the pilots on levels of turnout.
- Figures collected in polling stations will not be able to capture the number of voters who were put off from entering a polling station altogether because of the new ID requirements.
- Figures collected in polling stations will not be able to capture voters in neighbouring local authorities who have been put off from voting because of the new ID requirements.

Experience on polling day

Despite a number of serious warning signs, the Government decided to pilot discriminatory measures with the full knowledge that voters could be disenfranchised.

"One of our councillors informed me that two people were unable to vote in Canalside because they brought incorrect ID (a taxi ID and post office ID, respectively). Another turned up with the correct ID and was refused a ballot paper (rail photocard) - it was not until the elector insisted that the council was called that they eventually were allowed to vote." Election Agent, Woking Labour Party

“In Goldsworth Park someone had lost their ID and provided a utility bill instead, which was refused. Several others turned up completely unaware that ID was required. Another provided a blue disability badge that was refused. Some returned later with correct ID to vote.” Election Agent, Woking Labour Party

“Advised by polling clerk that a family had come to vote but did not have correct whilst mother was being ID advised father tore up poll card and left their son stayed provided correct id and voted.” Councillor June Cully, Leader of Gosport Labour Group

“I spoke to one person on the doorstep who had been turned away, he went home and got his ID and returned to vote. I spoke to people on the doorstep who said they would not be voting and included the requirement for ID in their reasons.” Councillor Vanessa Allen, London Borough of Bromley

Independent observers found that voters were refused a ballot paper in 21% of polling stations because they did not have the required ID to vote. 1.67% of all voters across the five pilot areas were unable to vote because they did not have the required ID to vote.

Based on these figures, the Electoral Reform Society estimated that nearly 4,000 would-be voters were turned away over lack of ID.

Conclusion

The Labour Party believes in a democracy for the many not the few.

We want everyone's voice to be heard, no matter someone's background.

Although we welcome the opportunity to submit evidence regarding our experience of the pilots, we fundamentally disagree with introduction of voter ID at polling stations.

Cat Smith MP

Shadow Minister for Voter Engagement and Youth Affairs