Speech to the annual meeting of the Association of Electoral Administrators, Monday 5 February 2018

Sir John Holmes, Chair of the Electoral Commission

Risks to the electoral system; our support for the electoral community; and what's next for the Commission

On behalf of the Electoral Commission I am delighted to be speaking at the AEA conference for the first time, and back in Lancashire, in Blackpool, near where I grew up, in Preston. I am also delighted to be speaking at your conference in the week when we are celebrating the extension of the vote to at least some women 100 years ago

I took up my role at the Electoral Commission in January 2017, expecting a quiet period of policy reflection. How wrong can you be, and what a 12 months it has been. They say always expect the unexpected in politics, and this was certainly the case over the last couple of years. Will 2018 be calmer? No guarantees!

I would like to cover three areas in my remarks this morning:

- First, I want to reflect on the electoral community's achievements in 2017;
- Second, I want to share with you where I see some major challenges facing our electoral system;

- And finally, I want to talk about the support the Commission will be aiming to provide to electoral administrators over the coming months.

1) What was achieved in 2017

It's worth beginning a review of 2017 with a few statistics:

- **46.8 million** people were registered to vote at the 2017 UK general election, the largest ever electorate for a UK-wide poll.
- More than 2.9 million applications to register to vote were made in Great Britain between the Prime Minister's announcement of the election on 18 April and the deadline for applications on 22 May, although some 40% of these were duplicate applications
- **Almost 33 million** ballot papers were counted at the general election.
- **8.4 million electors** were issued with postal vote ballot packs, with **7.1 million of them returned to** be counted.
- **Over 3,300** candidates stood for election at the general election.

And what did people tell us afterwards? **Nearly four in five** we surveyed after the general election reported they were either very or fairly confident the elections were well-run. **84% of**

polling station voters and 80% of postal voters were satisfied with the process of voting.

Of course, a general election was not the only poll to take place in 2017.

Local elections took place across England, Scotland and Wales, as did a completely new set of elections, the Combined Authority Mayoral elections, in parts of England. Over 200,000 electors were added to the electoral registers in advance of these polls too.

I want to thank you, and your colleagues across the UK, for the incredible work that goes into ensuring we have well-run polls in this country, and that all these elections were successful. You are the people who make by far the biggest contribution to creating an effective democracy.

When all goes well, it is easy for these efforts to be overlooked or taken for granted, but I have learned, not least from my own visits to counts at various electoral moments in the last year, including high profile by-elections, the lengths to which you all go to make sure problems and crises are avoided. This needs to be better known and appreciated publicly.

As you all also know, our electoral system has major strengths, which reflect the long history of our democracy. Above all, the results of elections are extremely rarely challenged, however

great the passion of the campaigns. The processes of registering voters, and casting and counting votes, are carried out with considerable rigour and transparency. Our elections are generally free from intimidation or major scandal. This is precious – as we can see when we look at other countries around the world where results can be highly contested.

We are fortunate to have such dedicated public servants working in our elections departments across the UK to make sure voters can cast their vote with confidence.

So is everything fine and dandy in our electoral system? Sadly, the answer to that has to be no. Electoral confidence takes a long time to acquire but can be lost very quickly. I believe our systems are under strain in important respects. Let me briefly highlight five of these areas.

2) Risks to the UK system

Resources

The first of these is resources. You do not need me to tell you that, as Returning Officers and electoral administrators, you are under increasing financial pressure, like the rest of the public sector. But you do need to know that we fully recognise this challenge, and are doing our best to spread this recognition. And of course, it's not just money. I know that last year, the

AEA highlighted the significant number of skilled professionals leaving local authority elections teams. In addition, you and your teams are increasingly reliant on a relatively small pool of specialist software and print management suppliers.

The broad range of challenges this creates is something to which we are very alive, and to which we are responding wherever we can take action ourselves. We also seek to draw attention to it wherever possible when speaking to government and other stakeholders, and talking publicly about elections.

More practically, we are working with the AEA and others in the electoral community to identify changes which could help to address these risks, including making sure that the processes which you operate are as straightforward as they can sensibly be , and in particular that they make best use of available technology to reduce the pressures on staff.

Electoral Law

Second, in the area of electoral law, the current legal framework for elections has not been comprehensively reviewed since the nineteenth century - in our view, and not only in our view, it is no longer fit for purpose.

It is too extensive to be grasped easily, too fragmented, and too complicated. There are obvious inconsistencies between the laws governing each electoral event.

The problem is well known, and many of you know it better than anybody.

Along with the AEA, we asked the three UK Law Commissions to look at it some time ago, and they published their welcome recommendations for reform in February 2016. If implemented, these would result in much clearer and more effective legislation. This would benefit not just you and your colleagues but everyone in the electoral process, from candidates to voters – whose interests are the most important at the end of the day.

I am struck by the fact that, had the UK Government implemented one specific recommendation prior to the general election, we might not have seen the widespread media reports of students and others allegedly voting twice. The Law Commissions recommended that electors applying to register at a second address must designate which home address they wish to use to vote in national elections. Had this change to the law been in place, it could have acted as a significant barrier to anyone considering unlawfully voting more than once, and it would have made it easier for the police to investigate allegations.

Unfortunately, implementing the Law Commissions' recommendations has largely been put on hold by the UK government, because of lack of Parliamentary time. There has recently been welcome agreement to the drafting of secondary legislation to address some of the inconsistencies.

But the chances of new primary legislation are slim in the immediate future. Nevertheless, we expect the UK Government to take advantage of any legislative opportunities that do arise to ensure that the recommendations – and indeed those made by Sir Eric Pickles in his separate review of electoral fraud – are taken forward.

Our simple view, and that of others across the electoral community, is that the Law Commissions' recommendations should be implemented in full as soon as possible.

Modernising electoral registration

Turning to electoral registration, and the need for modernisation, as my third point, I hardly need to tell you that the process of maintaining registers is old-fashioned, expensive and in urgent need of reform. Despite the large amounts of time and money you and your teams put into this, we estimate that some 7 million people across the UK are still not on the registers at all, or are not registered correctly. I am struck by

how little we know in some areas, for example how many people in the system are in fact registered at two addresses, because of the ways in which the data is currently held and can, or mostly cannot, be shared.

Changes to make this simpler, better and cheaper to run are surely possible with relatively small amounts of investment.

An important and straightforward example would be making electoral registration more joined-up with other public services, to make registering to vote even simpler for the public and more efficient for you. This could include integrating applications into other public service transactions and making better use of national data to identify new electors or home movers.

Another way forward would be exploring opportunities for more automatic or direct voter registration, particularly for young people when they first become eligible to register to vote, for example when they are first issued with their national insurance number. Our surveys suggest that some 60% of voters would support such a change.

And this is not just idle theorising.

Just last week the Welsh government announced a range of proposals for change to their electoral systems, where they now have wide-ranging new powers. Some of these proposals

related to automatic registration and to different ways of holding the registers, including the possibility of a single register for Wales.

As I have already suggested, we are particularly aware of the challenges you face as a result of duplicate registration applications ahead of elections.

This means huge amounts of extra work at the time when you are already under maximum pressure, and a worse service for electors - and these are problems which cannot just be measured in terms of the money used up on processing duplicates. We therefore want to work with you, and with the UK Government and the devolved governments, to see what can be done to reduce the scale and administrative impact of this problem in the future. This should involve for example looking at how others in comparable countries have overcome the problems of privacy and security involved in a so-called look-up facility, and have found the necessary resources to make their systems work better. We are not ready to accept that this simply cannot be done.

The overall point is that we are investing a significant amount of resource to work with the Cabinet Office to get improvements to the registration process implemented.

Ultimately, legislative changes will be down to Governments, but I want to assure you that achieving changes to modernise

and simplify the registration process is currently a key goal of the Commission. This is both for its own sake, and because it is a key building block for any future changes we might want to make to our electoral systems, for example making better use of online technology.

Ensuring our democracy is accessible to anyone with a disability

Fourthly, it is vital that we make sure our systems are fully accessible to anyone with a disability, physical or mental. We surveyed voters with a wide variety of physical and mental disabilities after last year's general election to ask them about their experiences of registering and voting. While most were positive, it was disappointing to hear that some were unable to vote in secret, or found conditions inside polling stations uncomfortable or difficult for them, or were even turned away from polling stations altogether.

This should not be allowed to happen in our democracy.

Disabled voters should have access to the right support to ensure they can cast their vote with confidence, just as disabled candidates should be helped to stand for elections as easily as anyone else. The UK Government has previously said

that it is evaluating the access to elected office fund that was closed after the 2015 general election. I would like to see the outcome of that evaluation as soon as possible.

We will continue to work with governments, disability organisations and all of you involved in running elections to see what more can be done to ensure that registering and voting are as accessible as they can be. Much of that will necessarily have to be done at local level.

Electoral fraud

And finally, in discussing the key strains on our system, I want to touch on electoral fraud. While people are largely satisfied with how elections are run, you will be aware that there is a persistent and widespread perception that fraud is a significant issue in our elections. More than one third of respondents to our surveys after the 2017 general election thought some fraud had taken place, and less than half believed that there were sufficient safeguards to prevent it.

We should keep this firmly in context. Very little of the concerns expressed seem to be based on actual personal experience. Data collected from police forces across the country shows that in 2016, 260 complaints were reported, with only two of these resulting in conviction.

There are also some effective measures in place, for example rigorous ID requirements for postal voting, with every ballot pack checked to ensure it was completed by the person to whom it was issued. This is welcome, and could usefully be added to by new measures to restrict how postal votes can be handled, in order to help prevent so-called postal vote harvesting.

Paradoxically, and contrary to much popular opinion, all this suggests that voting in person, in a polling station, may be more at risk of attempted fraud than postal voting.

As most of you will know, we have been recommending for some time that voters should show photo ID before voting, as they have had to do in Northern Ireland for some time now. This has some public support – when asked what single measure would be most effective in preventing electoral fraud, 52% of voters polled in 2016 said 'a requirement to show photo ID at a polling station'.

I want to stress that we have been pressing for this change not because we believe that personation is necessarily a major problem now. But the opportunity for fraud of this kind is clearly there, and it is very hard to detect.

We want to address this before it becomes a problem, and part of a wider reduction of trust in the system. It does not seem unreasonable to demand proof of identity before voting,

something we accept having to do before simply collecting a parcel, for example. It is certainly something which many other countries do routinely.

There are fears that it may prevent those who do not have photo ID from voting, and who already tend to be from marginalised groups. I certainly understand these fears and recognise the concern – we estimate that some 3.5 million people do not have photo ID at the moment.

However this concern could be addressed by a requirement to provide a free elector's card, with photo, as has been done with great success in Northern Ireland for a number of years now.

We estimate the cost of introducing this for the rest of the UK could be no more than £3 million a year.

Five local authorities are holding pilot schemes in this area, during the local elections this May, with differing requirements for ID.

The Commission is responsible for carrying out an independent, statutory evaluation of these pilot schemes and we will publish our findings in the summer of 2018.

This may not of course be the end of the story. I suspect the arguments about the proposal for photo ID at polling stations will continue for some time, and we will continue to need to be able to show why we think this change is justified.

3) What is the Electoral Commission doing to support the electoral community for May 2018

Let me say a few words about the wider preparations for this year's elections - scheduled for parts of England, including all of London.

Colleagues from the Commission have been meeting with and talking to Returning Officers and their teams in advance of the elections to talk through plans for delivering a well-run poll. It's through these discussions that we get to hear in detail about some of the pressures you and your teams are under.

Our guidance and performance standards are there to support you with delivering good polls, producing results which are trusted by voters. It is entirely right that voters across the country, no matter where they are, should receive a consistent, high quality service. That is the aim of all of us.

Throughout the UK there are many examples of excellent, innovative approaches to delivering electoral services, with this in mind, we want to continue working with the AEA to identify and share examples of these good practices to help you all in your local circumstances.

Our website already contains many examples, including the use of tablets for canvassers.

Local authorities who have tried it have told us that it creates a more professional image on the doorstep and that people were more likely to provide information as a result. It also means that canvassers can perform their door-knocking role more easily and quickly, as there is no need to carry significant quantities of paper forms or for these to be returned to the office once completed.

Let me be clear here in acknowledging that our own electoral guidance, whilst comprehensive and thorough, has become very large and sometimes difficult to navigate. We know from talking to users that some cannot easily find what they need.

The sheer size and complexity of it also mean it is increasingly hard for us to maintain and give you the updates you need, particularly when we have unforeseen electoral events. To cut a long story short, from our discussions with many of you over the last few months, it has become clear that we need to modernise our approach and make the guidance more accessible and easier to use and maintain.

In practice this means we will move from the current PDF and text-based documents to a web-based approach. This is not about losing or dumbing down content, but about making it easier to find. We are now starting to map out how we take this forward, and are tentatively aiming to make the first guidance in the new format available in 2019. As we plan this, we will

continue to talk to you about what you want and how we can make sure that the new approach delivers what you need.

Ahead of these elections, we will also be supporting election staff with a new campaign to ensure that anyone who casts a vote at May's local elections is able to do so securely and privately.

The campaign, which we are delivering in conjunction with Crimestoppers and the Cabinet Office, focusses on the message 'Your vote is yours, and yours alone' and aims particularly to reach people who may feel pressured into casting their vote a certain way.

We will make available a suite of resources that will highlight what constitutes electoral fraud, and aim to empower people not to allow it to happen to them. These materials will also encourage people to report anything that may be an offence to Crimestoppers. Resources will include a poster, a leaflet and various digital assets.

In developing these materials, we are very grateful for the support and advice we have received from many authorities for whom allegations of electoral fraud are a notable problem. But let me stress that the materials will be appropriate for a wide audience, and are designed to be used by any authority keen to ensure all its communities are aware of their right to vote as they see fit.

We are also in the process of finalising our public awareness and voter registration campaign for the May polls.

This year they will have completely new artwork and a new messaging approach, based on the ease of the application process.

Because we are keen to do what we can to reduce the administrative burden you face with duplicate applications, we will be including wherever possible specific messaging which targets particularly those who have not voted before, and those who have moved home recently.

More broadly, there will always be a rush to submit registration applications in the run-up to a deadline, but we are keen to see whether we can encourage registrations over a longer period.

That is why we are currently piloting online targeted advertising which specifically prompts those turning 18 – and 16 in Scotland of course – to register, and also does the same with those who have recently moved. This is a new approach, enabled by the increasing sophistication of the advertising marketplace. We hope that it can play a useful part in spreading the burden.

Finally in this area, many of you will be aware of a number of annual canvass pilots that are taking place. We don't have the data from these pilots yet, so we have no firm conclusions. But

we do know that a key focus of ours will be on those pilots that included an element of data matching with local data, allowing greater targeting of resources. Our statutory deadline to publish our evaluation of the pilots is 30 June. So you will be hearing more about this area of modernising the registration process in the not too distant future.

Conclusion

In conclusion, I know that we all face some big challenges over the coming months and years.

I am keen that we all work together to come up with solutions to these. We are in regular dialogue with the UK government, the Scottish government and the Welsh government on reform and modernisation of our electoral laws, systems and processes.

Both the Scottish and Welsh governments are consulting specifically on significant reforms to devolved electoral systems, and showing a lot of willingness to innovate. We welcome the opportunity to respond to these ideas, and are in close touch with them about how best to deliver change.

My underlying point is that all of us have a responsibility to voters in particular to keep on improving the system and making voting easier, more accessible and safer. Change in this sensitive area is never easy – just look how long it took for women to get the vote! – but it is nevertheless necessary.

Social media and digital campaigning are revolutionising what happens during elections, and we cannot just put our heads in the sand and pretend we can stay where we are.

I have focused on other things today, but this issue of how we operate in a digital age is in many ways the most important and serious challenge we will face over the coming years.

Voter expectations are shifting, not least among the digital native generations, and technology and what it can offer is moving very fast too.

We have an effective system but a very old-fashioned one, and we have a responsibility to explore how we can keep up, while balancing the need for security and credibility of our systems, given what we know about the dangers of hacking and other potential forms of interference, from inside or outside.

For our part, I am determined that the Commission should be at the forefront of reflection and action on these issues, and should continue to press for change where it is justified and appropriate.

Meanwhile we will of course continue to support the electoral community as it faces today's challenges, and to make sure we do everything we can to share good practice and knowledge. We will all benefit from creative approaches which have positive outcomes for voters.