

LG 61

Bil Llywodraeth Leol ac Etholiadau (Cymru)

Local Government and Elections (Wales) Bill

Ymateb gan: Toby James and Paul Bernal, Prifysgol Dwyrain Anglia

Response from: Toby James and Paul Bernal, University of East Anglia



Toby S. James and Paul Bernal

University of East Anglia

Norwich Research Park,

Norwich NR4 7TJ

Mr John Griffiths AM

Equality, Local Government and Communities Committee

National Assembly for Wales

Cardiff Bay

CF99 1NA

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Dear Mr John Griffiths AM

We are academics based at the University of East Anglia, researching a report funded by the Joseph Rowntree Reform Trust on automatic voter registration. Our report is not due to be published until April, however, we wished to make the committee aware of some issues relating to the provisions of the Local Government and Elections (Wales) Bill that will enable automatic voter registration in Wales. We make some recommendations for consideration below.

1. The strong case for automatic voter registration

There is a major problem with levels of electoral registration in Wales (and the whole of the UK) with millions of eligible citizens incorrectly registered or missing from the electoral register entirely. This leads to many citizens being unable to vote because they think that they are registered, but find on polling day that they are unable to vote. Two-thirds of polling stations turn away voters at general elections because they are missing from the register.¹ Half of polling stations at local elections do the same.² As the Committee will be aware, the Electoral Commission has estimated that there were between 410,000 and 560,000 people in Wales who were eligible to be on the local government

¹ Alistair Clark and Toby S. James (2017) '[Poll Workers](#)' in Pippa Norris and Alesandro Nai (eds), *Watchdog Elections: Transparency, Accountability, Compliance and Integrity*. Oxford and New York: Oxford University Press.

² Toby S. James and Alistair Clark (2020) '[Electoral integrity, voter fraud and voter ID in polling stations: lessons from English local elections](#)', *Policy Studies*, 41, 2-3, 190-209.

registers but were not correctly registered in December 2018. There was also between 200,000 and 330,000 inaccurate entries. This problem is concentrated amongst younger adults, lower socio-economic groups, private renters, Commonwealth and EU citizens.³ The introduction of individual electoral registration in 2014 had a negative effect on the completeness of the electoral register, especially for young people and students, showing that the administration of electoral registration can be really important for democratic participation.⁴

Recommendation #1: Automatic voter registration therefore provides an important opportunity to improve the accuracy and completeness of the register.

2. Protecting Voter Privacy

Section 9ZA of the legislation provides for the registration of local government electors in Wales without application. Before this can take place, a registration officer must notify them that they have the right to be excluded from the edited register. In the event of a non-response, the citizen will therefore be added to the edited register.

The edited register is made freely available for purchase to companies and third parties with no restrictions on its use. It serves no purpose for the running of the election. Neither does it assist credit reference agencies in the detection of financial fraud since they can access the full electoral register.

It is likely that citizens will know little about how their data is used in this way. Information about the Welsh electorate would therefore be for sale without their active consent. We would therefore propose that the Bill is amended so that automatically registered citizens are not added to the edited register by default. We would also encourage the committee to consider whether the edited register, should be abolished entirely.

Recommendation #2: Section 9ZA is amended so that automatically registered citizens are not added to the edited register by default.

3. Anonymous registration

Anonymous registration is vitally important for citizens who want to take part in the electoral process, but whose circumstances mean that they do not want their name to appear publicly on the register. This would include, but is not limited to, domestic abuse victims. Regulations were changed by UK Government regulations in February 2018 so that citizens could register anonymously for one year and the range of attestors was expanded.

We would encourage the committee to support anonymous registration for an extended period of time of five years. The committee could also support a widening in the range of attestors that could support citizens' applications. Wales would then be a beacon of best practice to the UK, as well as protecting citizens within Wales.

³ <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/accuracy-and-completeness-electoral-registers/2019-report-2018-electoral-registers-great-britain/national-estimates-accuracy-and-completeness>

⁴ Toby S. James (2020), *Comparative Electoral Management: Performance, Networks and Instruments* (Routledge: London and New York).

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Recommendation #3: Anonymous registration is extended to five years and a wider range of attesters can support applications.

4. Registering 16-year olds

Alongside the Senedd and Elections (Wales) Act 2020, the Bill historic changes by enfranchising 16 year olds for local and Senedd elections. Under-registration is especially prevalent amongst 16- and 17-year olds across the UK. The Bill would enable automatic registration of these citizens.

The simplest opportunity to do this would be when 16-year olds are sent their National Insurance number by the Department of Work and Pensions. The Welsh government could therefore organise for data about newly eligible electors to be transferred from the Department of Work and Pensions (DWP) to local registration officers. This data source is likely to be much more reliable and complete than other sources held locally. This data could be transferred through the electronic gateway currently used by the DWP and registration officers to verify applications.

Recommendation #4: The Welsh government should organise for data on newly eligible electors to be transferred from the Department of Work and Pensions (DWP) to local registration officers, ahead of their 16th birthday.

We hope that these suggestions will be helpful in the finalisation of your final. Please do let us know if we can be of any further assistance.

Yours sincerely,

Toby James and Paul Bernal, University of East Anglia