

Response by Professor Paul G. Thomas to question about the Introduction of a Voter ID requirement for all Elections in the United Kingdom, April 2, 2014.

During my testimony before the Committee on March 31, 2014 I was asked a question about the move to adopt a voter ID requirement in the UK. At the time I did not possess all the information that I needed to provide a full, accurate answer and I agreed to provide the committee with some additional information.

I have subsequently consulted two recent reports issued by the UK Electoral Commission: The 2013 Fraud Report which reports on incidents of various types of electoral malpractices and the Review of Fraud document in which the Commission discusses, among other topics, measures to alleviate public concerns about the potential for voter impersonation.

Statistics on the incidence of voting irregularities have to be interpreted carefully. Often statistics do not speak for themselves or say different things to different readers.

In the UK, the Fraud Report covers all stages of the election process: the voter registration stage, the candidate nomination stage, the campaign stage and the voting stage.

The statistics are for all types of elections, not just elections to the UK Parliament, but also to the European Parliament, local councils and health authorities. Given the staggered nature of the various elections, the number of votes cast in a given calendar year can vary significantly.

It is also important to make a distinction between allegations of fraud and actual convictions for various types of fraud, including voter impersonation.

Voter impersonation could take place at the polling station or through using someone else's postal or proxy vote. Over the years, the allegations of voter impersonation have arisen mainly in relation to postal and proxy voting, not in-person voting

The 2013 report states that 24 of all 179 cases of alleged electoral malpractice involved allegations of voting fraud. The number for 2012 was

25 cases of voting fraud out of total of 406 allegations of all types of electoral malpractice.

In 2013 there were only three actual convictions for electoral malpractice and all three cases involved violations of the law by candidates, not voters.

In its Review of Fraud 2014, the Electoral Commission observed that “Despite some high profile cases when a fraud has been detected and punished, there is no evidence to suggest that there have been widespread systematic attempts to undermine or interfere with recent elections...”

At another point, the Report provides the following observation:

“We gathered substantial evidence during our review that the lack of a requirement for ID is both an actual and a perceived weakness in the system. This move would introduce a new requirement for voters casting their ballot in a polling station, and we have considered carefully whether this will deter some voters from taking part. Our conclusion, again based on the evidence we gathered during the review, is that this risk can be managed and that it is therefore right to make this change, for the sake of the benefits it will bring in terms of improving the security of the system. A similar requirement already exists in Northern Ireland, where ID to vote has been required since 2002, as well as in many other countries.

We intend to consult widely and work with others to identify and develop a proportionate and accessible scheme for verifying electors’ identity at polling stations.”

There has been extensive debate in the UK on the need for mandatory photo ID, during which informed commentators have suggested that the new requirement is intended to deal more with the public perception rather than actual in-person voter fraud which has been rare. As postal and proxy voting become more secure, there may be greater risk of voter impersonation at the polling station.

Significantly, the Electoral Commission has not decided what types of documents will be used for voter identification at polling stations. In other words, it is not known at this point whether voters will be required to have one or more documents proving both their **identity and their address**. In the Canadian debate, the requirement to have a document showing an address is seen as a threat to the constitutional right to vote, especially for certain segments of the voting population.

The careful, gradual, principled and evidenced- based approach being followed by the Electoral Commission to achieve consensus on the appropriate balance between upholding the right to vote while ensuring the integrity of the electoral process is impressive.