



Cabinet Office

# **Voter ID Pilots 2019**

Pre-Pilot Equality Considerations

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# Introduction

1. This document summarises the initial work undertaken by the Cabinet Office (CO) to inform Ministers' consideration of the requirements of the Public Sector Equality Duty (PSED). This work informed decision making for the implementation of 2019 voter ID pilots to ensure that no group with protected characteristics is disproportionately impacted by the ID requirement.
2. The Minister for the Constitution has given individual consideration to the impacts and actions summarised here, in addition to the group-specific impacts highlighted by representative organisations and the Equality Impact Assessments (EIAs) conducted by participating authorities, in order to inform her consideration of the Public Sector Equality Duty (PSED) in respect of the voter ID pilot orders. The Minister has engaged with a number of representative groups to understand their concerns and how we can mitigate them when delivering the pilots.
3. The PSED requirements are set out in section 149 of the Equality Act 2010. The PSED requires Ministers to pay due regard to the need to:
  - 3.1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - 3.2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - 3.3. Foster good relations between people who share a protected characteristic and those who do not.
4. In undertaking the work that underpins this document, the Minister and officials have also had a general regard to the Human Rights Act, in particular Article 3 of the First Protocol (Right to free elections), in considering the potential impacts and mitigating actions. Article 3 of the first protocol in the Human Rights Act underlines the right to free elections and to cast your vote in secret.

# Background

## Objectives of 2019 voter ID pilots

5. The 2019 voter ID pilot schemes are an integral part of the wider Government agenda to deliver a clear and secure democracy. Sir Eric Pickles' review into electoral fraud identified a number of areas in which processes could be improved to ensure the integrity of elections and reduce perceptions that those processes are being subverted. His research particularly highlighted the matter of voter ID requirements and argued that by not requiring proof of identity in polling stations there remains the risk of personation.
6. Accordingly, the Government is committed to putting in place systems that can mitigate risks to the integrity of our electoral processes and address the perception of voter fraud. If voters have confidence in the integrity of the electoral system then they are more likely to participate in that process.
7. Electoral processes must be accessible, to make sure that every person who is entitled to vote is able to exercise that right. They must also be robust so that we can ensure high levels of security and maintain high levels of confidence. Through pilot schemes we can ensure new practices are in-keeping with these requirements.

## 2019 Models

8. The ten local authorities (LAs) piloting the ID requirement will do so according to one of the three models - the poll card model, mixed ID model or photo ID model. These models build on those devised during the 2018 Pilots - these were evaluated by both Cabinet Office<sup>1</sup> and the Electoral Commission<sup>2</sup>.
9. Poll card model: In this model, electors will be required to show their poll card before being issued with a ballot paper. If an elector has lost their poll card, they may produce one document from List 1<sup>3</sup>. If the elector does not have a form of photo ID from List 1, they will be issued with a replacement poll card up to 9pm on polling day. The following local authorities will be undertaking a voter ID poll card pilot in the May 2019 elections: Mid Sussex District Council, Watford Borough, and North West Leicestershire (poll card without technology).
10. Mixed ID model: In this model, electors could show one document from List 1, or two documents from List 2<sup>4</sup> in order to be issued with a ballot paper. If an elector does not have an accepted form of ID, the elector can apply for an electoral identity document, free of charge, up until 5pm the day before poll. The following local authorities will be undertaking a mixed ID model Voter ID Pilot in the May 2019 elections: Braintree District Council, North Kesteven District Council, Craven District Council, Broxtowe Borough Council and Derby City Council.
11. Photo ID model: In this model, electors could show one form of photo ID from List 1 before being issued with a ballot paper. If an elector does not have an accepted form of ID from

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<sup>1</sup> <https://www.gov.uk/government/publications/electoral-integrity-project-local-elections-2018-evaluation>

<sup>2</sup> <https://www.electoralcommission.org.uk/find-information-by-subject/electoral-fraud/voter-identification-pilot-schemes>

<sup>3</sup> See Annex A

<sup>4</sup> See Annex A

List 1, the elector can apply for an electoral identity document, free of charge, up until 5pm the day before poll. The following local authorities will be undertaking a photo ID model pilot in the May 2019 elections: Pendle Borough Council and Woking Borough Council.

12. The photo and mixed models provide the option to electors to apply for locally issued ID in the form of an electoral identity document. Each authority piloting the photo ID model and mixed ID model will issue a local form of ID to an eligible voter who does not think they have the required forms of ID to ensure that every elector can still vote. This process means that all electors have an avenue through which they can get a valid form of identity to show in the polling station free of charge.

## Equality Impact Considerations

### Approach

13. Potential impacts of introducing this change at the polling station were raised by organisations representing those with protected characteristics during extensive official and ministerial engagement. The potential impacts were also informed by existing commentary and evidence in the public domain<sup>5</sup> as well as the evaluation of the voter ID pilots in 2018. We have also sought to understand, where possible, the impacts on intersections between groups with protected characteristics. In addition to organisations representing the nine groups identified in the Equality Act 2010, we have engaged with organisations representing those who are homeless, or do not have a fixed abode.
14. The meetings were an opportunity for the organisations, listed below, to present the perspectives of the groups they represent, and for Cabinet Office to outline the details of the policy and propose options for partnership working in the participating authorities.
  - Stonewall
  - LGBT Foundation
  - Centrepoint
  - Age UK
  - Independent Age
  - Alzheimer's Society
  - St Mungo's
  - Shelter
  - Patchwork Foundation
  - Operation Black Vote
  - Race Equality Foundation
  - National Union of Students (NUS)
  - Equality and Human Rights Commission (EHRC)
  - Mencap
  - RNIB
15. The Minister for the Constitution proactively sought to engage these organisations, and personally met the majority of their representatives to discuss the pilots and listen to their suggestions and concerns. We are grateful for these groups' time and their helpful contributions.

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<sup>5</sup> This includes analysis completed by the Electoral Commission, external analysis on ID ownership from the 2011 Census as well as news articles and commentary released after the 2018 pilots.

16. The PSED is an ongoing duty, and consideration to equality issues has been given, and will continue be given, at every decision making point. We will continue to track the potential impacts for each protected characteristic, and will continue to consider this in official and Ministerial level decision making at key points during the project. In particular:
- Before the pilot orders were signed, all potential impacts that have been raised by groups, and our actions for mitigating potential impact were shared with the Minister, who took a final decision as to whether to go ahead with the pilots taking into account this information.
  - The communications campaigns, including providing guidance and scrutinising all plans before launch.
  - Assurance meetings will be held with piloting authorities in which we will assess their readiness for polling day and continue to test the equality considerations and mitigating actions based on the equality impact assessments conducted by the local authorities.
  - We are incorporating guidance for polling station staff training from workforce training teams at various representative groups.
  - On polling day, we will capture data on the types of identification used, and measurement of public attitudes will take place after polling day, with a representative survey in each piloting authority and across England.

## Summary of Impacts

17. During the engagement period, representative organisations raised a number of potential impacts around the general experience of the electors they represent. We have summarised four cross cutting impacts highlighted that are specific to the implementation of the ID requirement in the participating authorities: access to ID, efficacy of communications, attitudinal barriers and evidence gathering.
18. The actions detailed below have been taken or are planned by teams in Cabinet Office. These are conducted at the central level to complement and support activity at participating authority level. They seek to eliminate unlawful discrimination, advance equality of opportunity between people of different groups, and foster good relations between people of different groups.

## Access to ID

19. Organisations representing age, disability, race, gender reassignment and homelessness highlighted that certain groups with protected characteristics may not have access to specific types of ID, such as passports or driving licences, or ID that displays a fixed address.
20. The models in 2019 will test a range of photographic and non-photographic documents<sup>6</sup> and are not limited to passports and driving licences. There are also protections that are built into each of the models that address the potential impacts on groups who do not currently own, or have access to required forms of identification. The photo ID model and mixed ID model provide the option for electors to obtain locally issued ID. The poll card model and the mixed ID model enable the elector to obtain a replacement poll card if the original one is lost. These processes should mean that all electors have an avenue through which they can get a valid form of identity, free of charge, to show in the polling station.

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<sup>6</sup> See Annex A

21. Applications for locally issued ID can be made remotely. Cabinet Office will be advising participating authorities, where possible, that applications for locally issued ID can be submitted electronically for ease of the elector and to make the application as accessible as possible.
22. During the 2018 pilots, Woking (photo ID model) issued Local Elector Cards to ten people who were homeless. They were also able to use the cards as identification to access a wider range of public services in the local authority.

## Targeted Communications

23. Organisations representing age, disability, race, gender reassignment and homelessness highlighted that tailored communications are required to reach certain groups with protected characteristics.
24. Cabinet Office has delivered a communications workshop with charities representing some harder-to-reach groups. Insight from the workshop was subsequently used to create written guidance in collaboration with Mencap, RNIB, Age UK, Patchwork Foundation and Centrepoint. This guidance has been issued to all participating authorities.
25. Cabinet Office and representatives from the Electoral Commission and the Association of Electoral Administrators, have scrutinised campaign plans to ensure LAs have considered methods to reach the broadest range of demographic groups in their area.

## Attitudinal barriers

26. Organisations representing age, race, gender reassignment and homelessness highlighted that certain groups with protected characteristics may face attitudinal barriers to presenting, or applying for ID, based on previous negative experiences.
27. Cabinet Office is inputting into training requirements for polling station staff. Cabinet Office is working with workforce training teams to ensure these concerns regarding the handling and sensitivity around requesting ID are addressed, and training resources provided by representative organisations will be shared with LAs.
28. Work is also being done to build on steps taken by the voter ID pilot authorities from 2018 as part of their EIA process and the ROs requirement under the Representation of the People Act to consider accessibility issues within their polling stations. Cabinet Office is also sharing a training presentation with representative organisations and building their feedback into the training sessions.

## Gathering evidence of impacts on groups

29. Organisations representing gender reassignment, disability, race and homelessness raised that the impact on certain groups with protected characteristics may not be immediately obvious, and further understanding of the impact on specific groups is required.
30. By piloting the models again, in more geographically and demographically diverse areas, Cabinet Office is actively broadening the evidence base to understand the impact of the



requirement. This will enable further decision making to be based on robust evidence, and ensure that no groups are disproportionately impacted by the ID requirement.

31. Cabinet Office is conducting a process evaluation of the 2019 ID pilots to build an evidence base on the impact of the ID requirement on different groups, and the experience of delivering these activities for LAs.

## **Group Specific Impacts**

32. Representative organisations also identified a number of impacts that are specific to particular groups with protected characteristics. Cabinet Office has worked with the participating authorities to communicate these concerns, and ensure they are addressed in the participating authorities' Equality Impact Assessments (EIAs).
33. Returning Officers are also required to have regard to PSED when carrying out their duties. Participating authorities have submitted drafts of their EIAs, and Cabinet Office has fed back central level insight from the engagement exercise, and has scrutinised EIAs according to criteria that we developed with insight from the engagement period, and guidance shared from Government Equalities Office (GEO). This includes considering the demographic makeup of the participating areas, as well as considering evidence generated by the evaluations last year.

## **Annex A - Forms of accepted ID**

### **List 1 - (Photo ID, Mixed ID Model, Poll Card)**

Where List 1 applies, an elector needs to bring one form of ID from List 1 to verify their identity in order to be issued a ballot paper. The following forms of ID will be accepted:

- (a) a passport issued by a Commonwealth country or a country within the European Economic Area;
- (b) a photocard driving licence (including a provisional licence) issued in the United Kingdom or by a Crown Dependency or by a Member State of the European Union;
- (c) an electoral identity card issued under section 13C (Electoral identity card: Northern Ireland) of the Representation of the People Act 1983;
- (d) a biometric immigration document issued in the United Kingdom in accordance with regulations made under section 5 of the UK Borders Act 2007([1]);
- (e) an identity card issued in the European Economic Area which bears a photograph of the voter;
- (f) a PASS scheme card (national proof of age standards scheme);
- (g) a Ministry of Defence Identity Card;
- (h) a concessionary travel pass funded by HM Government;
- (i) an Oyster 60+ pass;
- (j) a photocard parking permit issued as part of the Blue Badge scheme.

### **List 2 - (Mixed ID Model)**

Where List 2 applies, an elector needs to bring two forms of ID from List 2 to verify their identity in order to be issued a ballot paper. At least one form of ID must contain the elector's registered address.

- (a) a valid bank or building society debit card or credit card;
- (b) a mortgage statement dated within 12 months of the date of the poll;
- (c) a bank or building society statement, or a letter from the bank or building society confirming the opening of an account, dated within 3 months of the date of the poll;
- (d) a bank or building society cheque book or building society pass book;
- (e) a credit card statement dated within 3 months of the date of the poll;
- (f) a council tax demand letter or statement dated within 12 months of the date of the poll;
- (g) a utility bill dated within 3 months of the date of the poll;
- (h) a Form P45 or Form P60 issued within 12 months of the date of the poll;
- (i) a poll card for the election;
- (j) a birth certificate;
- (k) a marriage certificate or civil partnership certificate;
- (l) an adoption certificate;
- (m) a firearms certificate granted under the Firearms Act 1968([1]);
- (n) the record of a decision on bail made in respect of the voter in accordance with section 5(1) of the Bail Act 1976([2]);
- (o) a driving licence (including a provisional licence) which is not in the form of a photocard;
- (p) a statement of benefits or entitlement to benefits, such as a statement of child benefit within the meaning of section 141 of the Social Security Contributions and Benefits Act 1992([3]), or a letter confirming that the voter is entitled to housing benefit, within the meaning of section 130 of that Act;

- (q) a student loan statement issued by the Student Loan Company dated within 12 months of the date of the poll;
- (r) a National Insurance Number card or letter issued by Her Majesty's Revenue and Customs.