

Electoral Integrity Bill

Lead department	Cabinet Office
Summary of proposal	The Bill seeks to introduce voter ID requirements in local and general elections, and to make changes to absent voting, accessibility, overseas electors and campaign measures so that elections are modern, fair and secure.
Submission type	Impact assessment (IA) – 17 March 2021
Legislation type	Primary legislation
Implementation date	2022
Policy stage	Final
RPC reference	RPC-CO-5056(1)
Opinion type	Formal
Date of issue	13 April 2021

RPC opinion

Rating	RPC opinion
<i>Not applicable</i> ¹	The proposal is not subject to the Better Regulation Framework as it does not regulate business. The RPC, therefore, welcomes the voluntary submission of this IA for independent scrutiny. The IA identifies costs and benefits of the proposals as part of the cost-benefit analysis, supported by sensitivity analysis. However, the IA omits costs associated with an online application platform, which would appear core to the proposal, and should give further consideration to the costs of replacing lost, stolen or damaged local elector identity documents (LEIDs). The IA lacks clarity about the problem under consideration and should be improved by providing evidence to justify the rationale for intervention. The options under consideration are limited and do not consider the role of digital technologies in electoral voting. The IA should also consider the impacts of the proposals on voter turnout, public acceptance, privacy and data protection. The IA should also provide a commitment to an evaluation plan.

¹ Under the current Better Regulation Framework, the RPC issues ratings for impact assessments where the EANDCB figure and SaMBA are validated and sufficient. As these proposals do not have any direct costs or impacts on business, and EANDCB and SaMBA are not applicable, a rating has not been applied.

RPC summary

Category	Quality	RPC comments
Equivalent annual net direct cost to business (EANDCB)	<i>Not required</i>	The RPC is content that the proposals do not impose direct costs on business.
Small and micro business assessment (SaMBA)	<i>Not required</i>	The IA does not include a SaMBA as there are no direct impacts on business.
Rationale and options	Very weak	The IA lacks clarity on the problem under consideration and rationale for intervention and should be supported with an evidence-based discussion. The options under consideration are limited and do not consider the role of digital technologies in electoral voting. The IA should provide detail on alternative non-regulatory options considered and why they do not meet the policy objectives.
Cost-benefit analysis	Weak	The IA provides some analysis of the impacts of the proposals. However, the IA should monetise the costs of creating an online platform for LEID applications, even if these are indicative at this stage. There is a lack of analysis of the impact of these measures on voter turnout, which would appear to be a critical performance measure. The IA should also provide further evidence and discussion on the complexity of delivery for voter ID requirements, and implications for public acceptance, privacy and data protection.
Wider impacts	Satisfactory	The IA has identified the potential distributional impacts that the proposals may have on certain groups of society. The IA could state whether any other wider impacts of the proposal have been considered.
Monitoring and evaluation plan	Weak	The IA provides some detail on how the measures would be monitored for their effectiveness. The IA should include further detail and a commitment to an evaluation plan.

Summary of proposal

The Bill seeks to introduce, or amend, measures in the following five areas:

1. *Voter ID*: introducing photographic ID requirements at local and general elections in England, Wales and Scotland.
2. *Absent voting*: making changes to postal and proxy voting by imposing a three-year limit on postal vote applications and limiting the number of electors for whom an individual can act as a proxy to two electors.
3. *Accessibility*: providing a broader requirement for Returning Officers to provide assistive equipment for people with a wider range of disabilities, and removing restrictions on who can act as a companion to assist disabled voters.
4. *Overseas electors*: removing the 15-year limit on overseas electors' voting rights and making changes to registering or renewing registration.
5. *Campaign measures*: covering digital imprints, notional expenditure, campaigning financing integrity, a new electoral sanction on intimidation, undue influence and Electoral Commission (EC) governance and accountability.

The IA anticipates that the greatest monetised impacts would be driven by the introduction of voter ID requirements where the net present social value (NPSV) for the preferred option is -£140 million (2021 prices) over a 10-year appraisal period. The measures contained in bullets 2-5 above introduce an additional -£30m to the two options, bringing the total NPSV to -£170 million for the preferred option.

EANDCB

The proposals do not regulate business and, as such, are not in scope of the Small Business, Enterprise and Employment Act 2015. The cost-benefit analysis notes how the proposals would be likely to affect business but these impacts are not direct. The RPC is satisfied with this assessment.

SaMBA

The IA does not include a SaMBA as the proposals are not expected to affect small and micro businesses directly or disproportionately.

Rationale and options

The IA states that “*The Government is seeking to strengthen the integrity of our electoral system and improve the public confidence that our elections are modern, fair, and secure. The 2019 Conservative Party Manifesto set out this Government’s commitment to protecting our democracy and ensure that it remains fit for the modern age.*”

Although the proposals outlined in the IA are based on a manifesto commitment, informed by the 2016 Pickles report on electoral fraud, the IA lacks clarity in terms of the problem under consideration and evidence to support the rationale. The department should strengthen the evidence-based discussion for the rationale for intervention and could consider wider threats to democracy such as those identified in the House of Lords Select Committee on Democracy and Digital Technologies report².

The policy options considered in the IA are limited, as it appraises two options that are broadly similar; the introduction of measures pertaining to absent voting, accessibility, overseas electors and campaign measures are identical for both options. The options differ in the implementation of ID requirements. The first (and the preferred) option considers the introduction of photographic IDs as a requirement for voters in local and general elections. The second uses a mixed ID approach where voters would be required to either produce one photographic ID, or a combination of two forms of non-photographic ID, from an approved list. The IA could discuss the role of technology, drawing from international comparators on electronic voting, in meeting the policy objectives of making the electoral system modern.

The RPC would normally expect that the option with the highest NPV to be the preferred choice in the IA and, where this is not the case, a clear evidence-based discussion should be provided to justify the decision. The evidence on the complexity of delivery, or why the mixed model is more burdensome than the photographic ID, is weak (paragraphs 85 and 285). The department should strengthen this discussion as well as consider security and participation trade-offs when comparing the two options.

The IA should provide detail on alternative, non-regulatory options considered and why they do not meet the policy objectives.

Cost-benefit analysis

The IA provides analysis on the impacts of the proposals as well as identifying risks and sensitivities. The IA monetises various costs associated with the proposals including costs associated with issuing local elector IDs (LEIDs), a larger poll card and staff costs for the introduction of voter ID requirements. The IA monetises familiarisation costs associated with proposed new guidance on producing digital imprints.

The IA would benefit from including any associated capital investment and maintenance costs with new equipment (printers and webcams) that would be necessary for producing LEIDs. Further, although the scope has not been determined, the IA should include indicative monetised costs of creating the online platform for LEID applications, which would be core to the proposal. The IA should give further consideration to the costs of ensuring security with respect to checking and replacing lost, stolen or damaged LEIDs.

² [Digital Technology and the Resurrection of Trust](#)

The IA should consider any administrative costs such as privacy and data protection requirements and electoral assurances that could arise from increased volumes of correspondence with respect to absent voting.

The IA notes that there will be one-off implementation costs for the overseas electors proposals. Where these are known, these should be included, even if they are not monetised at this stage.

There is a lack of analysis of the impact of these measures on voter turnout, which would appear to be a critical performance measure. The IA uses the results of 2018 and 2019 voter ID pilots to inform the cost-benefit analysis and has noted the pilots' limitations, given the scope and the ability to extrapolate the results nationally. Where the evidence is mixed, for example, the impact of the models on the perceptions of the incidence of electoral fraud and satisfaction in the electoral process, this could be made clearer (for the reader). Similarly, the presentation of the cost-benefit analysis for the campaign finance integrity proposals could be made clearer for the reader by grouping the discussion of costs and benefits together for each measure.

The IA uses a range of +/-50 per cent as a basis for low and high estimates, to account for any uncertainty. However, there is little evidence to suggest that this percentage is true. The IA may wish to use further evidence to design realistic low and high scenarios. The IA could also include some sensitivity analysis on the proportion of electors that vote in person and by post, given the possible change in behaviour, as a consequence of the COVID-19 pandemic.

Wider impacts

The IA has identified the potential distributional impacts that the proposals may have on certain groups of society. However, the IA should extend its consideration on the differential impacts (positive and negative), for example on voter turnout and participation or other aspects of electoral integrity, for different groups based on geographic region, ethnicity and income. The IA should include further discussion and analysis of how these issues may be mitigated.

Monitoring and evaluation plan

The RPC notes the department's ambition for monitoring the effectiveness of the proposals against the policy objectives. The IA includes some key performance indicators in Table 2, which the RPC feels could be improved by making them 'SMART'.

The IA indicates that data will be collected through various means such as a nationally-representative survey, polling station data, qualitative interviews, focus groups, and engagement with the Electoral Commission, local authorities and relevant stakeholders. The IA could include the anticipated frequency of collection of data.

Evaluation plans are not included at this stage as the IA notes that further scoping will be necessary to determine the scale of, and methodology for, them. The IA should state whether or not an evaluation/post-implementation review will be a statutory commitment.

Regulatory Policy Committee

For further information, please contact regulatoryenquiries@rpc.gov.uk. Follow us on Twitter [@RPC_Gov_UK](https://twitter.com/RPC_Gov_UK), [LinkedIn](#) or consult our website www.gov.uk/rpc.