

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

ELECTIONS BILL

Seventh Sitting

Tuesday 19 October 2021

(Morning)

CONTENTS

SCHEDULE 1 agreed to.
CLAUSE 2 agreed to.
SCHEDULE 2 agreed to.
CLAUSES 3 TO 5 agreed to.
SCHEDULE 3 agreed to.
Adjourned till this day at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 23 October 2021

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The Committee consisted of the following Members:

Chairs: † SIR EDWARD LEIGH, CHRISTINA REES

- | | |
|---|--|
| † Anderson, Fleur (<i>Putney</i>) (Lab) | † Hollern, Kate (<i>Blackburn</i>) (Lab) |
| † Badenoch, Kemi (<i>Minister of State, Department for Levelling Up, Housing and Communities</i>) | † Kruger, Danny (<i>Devizes</i>) (Con) |
| † Bell, Aaron (<i>Newcastle-under-Lyme</i>) (Con) | † Mayhew, Jerome (<i>Broadland</i>) (Con) |
| † Bristow, Paul (<i>Peterborough</i>) (Con) | † O'Hara, Brendan (<i>Argyll and Bute</i>) (SNP) |
| † Clarkson, Chris (<i>Heywood and Middleton</i>) (Con) | † Randall, Tom (<i>Gedling</i>) (Con) |
| † Furniss, Gill (<i>Sheffield, Brightside and Hillsborough</i>) (Lab) | † Shelbrooke, Alec (<i>Elmet and Rothwell</i>) (Con) |
| † Gibson, Peter (<i>Darlington</i>) (Con) | † Smith, Cat (<i>Lancaster and Fleetwood</i>) (Lab) |
| † Grady, Patrick (<i>Glasgow North</i>) (SNP) | † Smith, Nick (<i>Blaenau Gwent</i>) (Lab) |
| † Harris, Rebecca (<i>Lord Commissioner of Her Majesty's Treasury</i>) | Adam Mellows-Facer, Chris Stanton, <i>Committee Clerks</i> |
| | † attended the Committee |

Public Bill Committee

Tuesday 19 October 2021

(Morning)

[SIR EDWARD LEIGH *in the Chair*]

Elections Bill

9.25 am

The Chair: *Hansard* colleagues would be grateful if Members could email their speaking notes to hansardnotes@parliament.uk.

We now resume line-by-line consideration of the Bill. The selection and grouping list for today's sitting, which is available in the room, shows the order in which selected amendments will be debated. I remind Members that decisions on amendments do not necessarily take place in the order they are debated; it happens in the order they appear on the amendment paper. Members who wish to press a grouped amendment to a Division should indicate that they wish to do so when speaking to it.

We now return to where we left off on 22 September, with amendments to schedule 1. I remind Members that we have already debated clause 1 stand part, and therefore it is not orderly to open up a further debate on the principle of voter identification. I expect focused debates on the amendments in question.

Schedule 1

VOTER IDENTIFICATION

Fleur Anderson (Putney) (Lab): I beg to move amendment 54, in schedule 1, page 75, line 9, at end insert—

“(IHA) In this rule a ‘specified document’ also means a poll card.”

This amendment would enable someone to vote by presenting their poll card as an alternative to photo ID.

To recap from where we left off, the Opposition feel that there is no need for the reforms listed in the Bill. They will reduce people's ability to vote, they will suppress voting and they are disproportionate to the risks identified. They will have a huge impact on councils, be very unwieldy, potentially have an impact on frontline services delivered by councils and be very expensive.

The Government's own pilot programmes threw up many issues regarding the ability to vote in different circumstances. Different trials were used, including on the use of a polling card, which showed many ways in which barriers to voting can be overcome—not the ways that appear in the Bill. There are also questions about whether people will be turned away on polling day, and that is why the amendment would include the use of a polling card.

To explain the context, several of the pilot schemes in 2018 and 2019 that were commissioned by the Government asked voters to bring their polling card as a form of identification, or some form of photo ID if they did not have it. The results make for interesting reading. In the 2018 voter ID pilot in Swindon, 95% of voters produced their polling card instead of another form of ID. It was much more accessible to them, and Swindon recorded

the lowest percentage of voters not returning with correct ID of all the 2018 pilots, at 0.06%. The Watford pilot saw 87% of voters produce their polling card instead of an alternative form of ID, and only 0.2% of voters did not return with the correct ID.

The poll card pilots in 2019 recorded lower percentages of voters being turned away than the photo ID or mixed ID and polling card models. In the poll card pilots in Mid Sussex, North West Leicestershire and Watford, 93% of voters produced a poll card instead of the alternative form of ID. It is clearly highly preferential for voters, and we want to make voting as easy as possible while making it safe and maintaining integrity.

The impact assessment to the Bill states that the implementation of voter ID could cost up to £180 million over 10 years. As we heard in the evidence sessions, that is not entirely known because not all councils have given in assessments. They do not know how many staff it will take or what the cost will be. Of that total, £80 million could be spent on the updated polling cards, which will notify voters of the new requirements. The proposal is to move to an A4 polling card, to be posted in an envelope. If that much is being spent on polling cards, why not use them at the polling station?

Aaron Bell (Newcastle-under-Lyme) (Con): Does the hon. Lady accept that, notwithstanding what she said about safety and making it easy, she has not addressed the security element of knowing the person who turns up is the person named on the polling card? In many cases, polling cards can be stolen. I am thinking in particular of when they are posted to pigeonholes in higher education institutions. That has been a real problem in previous elections, and the Opposition's amendment does not address that.

Fleur Anderson: The issue is parity with postal votes. If someone is to have a postal vote, they need to prove that they are living at the relevant address. That applies to polling cards as well; there is consistency.

The hon. Gentleman says that things can be stolen from a higher educational establishment, but that issue should be addressed by the establishment. The same could happen to postal votes, which would be a big concern. Making polling cards safe would be the same as making postal votes safe, so why not use polling cards?

Aaron Bell: I thank the hon. Lady for giving way again. The difference, of course, is that a postal vote requires a signature. Someone could literally take a polling card out of another person's pigeonhole and present themselves at a polling station saying, “I am Joe Bloggs.” They would be given a vote. That is how things are at the moment, and that is what we think needs to change.

Fleur Anderson: When someone is applying for a polling card, they have to prove that they live at the relevant address. The overall issue is that voting is reduced; people might not necessarily want to go to vote if they find it at all hard. On polling day, we and other people will go to people's houses, knock on their doors and say, “You can go down and vote.” Despite all the advertising that will happen ahead of time, they will say, “Oh, I don't have my photographic ID—I haven't yet got it.” We saw from the pilots how things could be so much easier.

Paul Bristow (Peterborough) (Con): Does the hon. Lady recognise, like me, that one of the most common experiences on the doorstep is someone saying that they have lost the polling card itself and have seen that as an entry into voting? Nine times out of 10, when someone has lost something it has been the card itself. I say to them, “You don’t need that—you just need to say your name and address.” Has she had that experience?

Fleur Anderson: Different people will have different ID. If we open up the forms of ID that people can take, we make it more likely that they will vote. Many people will have lost their photo ID. Some people do misplace their polling card in their pile of post and so do not have it to hand. We can say at the moment that they can just go down to the polling station, but the Bill introduces an extra barrier of people having to find their photographic ID—their passport or driving licence. If a polling card is a high barrier, photographic ID is even higher. My amendment would lower the barriers to voting and enable more people to get involved in democracy, which in the end would make decisions better. The Bill would increase the barriers.

Cat Smith (Lancaster and Fleetwood) (Lab): I have been reflecting on what my hon. Friend has been saying. I recently had to send off my driving licence to update my address, and that happens to have coincided with the expiry of my passport. Normally I have two forms of photo ID, but at the moment I do not. Could this legislation not end up affecting people who would normally have forms of ID and therefore would not necessarily apply for the voter card, but who due to circumstances may occasionally disenfranchise themselves accidentally?

Fleur Anderson: My hon. Friend makes a very good point. There are many circumstances in which someone might just not have that photographic ID to hand. My children go off, use their photographic ID in a nightclub and do not return with it. There are so many reasons why it might be hard to find that photographic ID. If people find it hard to locate their polling card on the day—I accept that sometimes they do—they will find it even harder to find their photographic ID.

This amendment is so important. The polling card would give people huge reassurance that they will be able to go down and vote. If the amendment is not agreed to, that will be taken away. The amendment is logical and supported by plenty of evidence from the pilot schemes themselves. I urge the Minister to support it.

The Minister of State, Department for Levelling Up, Housing and Communities (Kemi Badenoch): If I may, Sir Edward, I want to take time to acknowledge the tragic loss of Sir David Amess. He was a fellow Essex MP to me and my hon. Friend the Member for Castle Point. He was a truly beloved friend and colleague who served both Parliament and Southend West for nearly four decades with dedication and care.

It is particularly poignant that we should be debating the Elections Bill at this point. The act of violence that occurred on Friday was abhorrent. Violence and intimidation cannot be tolerated in any circumstance and must have no place in our public life. No one should feel afraid to participate in our democracy or to represent their community, and tackling intimidation in

public life is a top priority for the Government. There are measures in the Bill that seek to introduce a new electoral sanction against anyone found guilty of intimidating a candidate or elected representative, but this is a problem that no one measure alone will address. That sanction is just one part of a much wider effort by the Government to tackle intimidation and violence in public life.

Amendment 54 would allow a voter to use their poll card as a form of identification under the new system being introduced by the Bill. The amendment effectively defeats the purpose of the Bill. We cannot agree to it because the requirement to provide a form of photographic identification is the best way to secure the electoral system against fraud and to stamp out the potential for it to take place at polling stations in elections.

My hon. Friends have made the argument already, but I should also say that when evaluating the security strengths and weaknesses of each pilot model the Electoral Commission found that

“the photo identification only model has the greatest security strengths compared with the other models”.

A poll card can easily be intercepted, particularly for those living in shared accommodation, and so cannot be used as a form of identification. It is simply not secure enough. That is why we are requiring voters to provide photographic identification.

The Chair: Before we continue the debate, I echo what the Minister said on behalf of all members of the Committee about our colleague Sir David Amess. I entered Parliament with him 38 years ago, with over 100 MPs. Many of them rose to great distinction; at least two became Prime Minister. Sadly, there were only three of us left from that intake, and there are now only two. I say to Back-Bench Members that the career of David Amess shows that it is wonderful to be a Member of Parliament and to be a Back Bencher, even for your whole career, so keep campaigning, intervening and talking about the causes that you hold dear.

Patrick Grady (Glasgow North) (SNP): I was inspired to say a few words, not least by your intervention, Sir Edward. I pay tribute to both Sir David Amess and James Brokenshire, whom I held in the highest regard. I express my condolences to everyone affected by their loss, and may they both rest in peace.

I was also inspired to speak by the contribution from the hon. Member for Devizes about people who, when we are out doing our knock-ups on polling day, say, “I’ve forgotten my poll card.”

Danny Kruger (Devizes) (Con): Peterborough.

Patrick Grady: I do beg your pardon—it was the hon. Member for Peterborough. They will need to fix the lighting for the next round of parliamentary photographs. I do apologise, but the point stands that it is an experience that we have all had. We knock on the door and people say, “I’ve lost my poll card. How can I vote now?”. Currently, we can reassure them by saying, “You don’t need your poll card. Simply identify who you are and your name will be ticked off the list.” That shows the attachment that people have to their poll card. A lot of people think that their poll card is required as a form of ID to vote. As campaigners standing at polling stations, we see people turning up to vote and bringing their poll

[Patrick Grady]

card with them because of the attachment that they have to it as a document. It helps to inspire their right to vote, so in that sense it works in both directions.

Now when we are on the doorstep, we will have to say to voters, “You need to bring a form of identification with you to vote.” Under the schedule, that has to be a particular form of voter identification. If we were able to say, “You’ve got your poll card. That’s great. You can take that down. That will verify your identity and you’ll be able to take part in the poll,” that would make it even easier for people to comply with the legislation that is under consideration.

On the notion that people could go around harvesting poll cards from university docket—*not* to go back to the original clause, Sir Edward—we have heard that instances of that are extremely few. It is already a crime. If someone turns up with more than one poll card, that is personation. I have every faith that in our current electoral system, individual polling clerks will realise, if a voter turns up with two cards, that they are only one person, and they will not be allowed to cast two votes. They would there and then be done, and were it determined that a candidate had been responsible for encouraging them to do that, the candidate would be disqualified from the election.

The amendment, and those that we will discuss shortly, would help as many people as possible to comply with the new requirement that people have a form of identification in order to cast their vote. Opposition Members are trying to expand people’s opportunities to comply with that requirement, and the Government’s opposing it demonstrates what the real intent is behind the clause and the Bill as a whole, which is to make it more difficult for people to vote, which is a dangerous route to go down.

Fleur Anderson: I echo your words, Sir Edward, and those of the Minister, about Sir David Amess. I send my sincere condolences to his family, his staff and his constituents. We all feel his loss greatly. Sir David chaired many debates that I took part in. As a new MP, I do not know an enormous number of MPs, but I felt that I knew Sir David, so that was the measure of him.

I am disappointed that the Government will not accept the amendment, but I urge the Minister to please look into and assess the impact on voting when the Bill comes into force. It will have a big impact. Can we please continue with the pilot so that we can assess the impact of not being able to use a polling card, and keep the door open to make sure that there is the potential for everyone to vote by using a polling card?

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 10.

Division No. 12]

AYES

Anderson, Fleur	O’Hara, Brendan
Furniss, Gill	Smith, Cat
Grady, Patrick	Smith, Nick
Hollern, Kate	

NOES

Badenoch, Kemi	Bell, Aaron
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Bristow, Paul
Clarkson, Chris
Gibson, Peter
Harris, Rebecca

Kruger, Danny
Mayhew, Jerome
Randall, Tom
Shelbrooke, rh Alec

Question accordingly negated.

Fleur Anderson: I beg to move amendment 55, in schedule 1, page 75, line 9, at end insert—

“(1HA) In this rule a ‘specified document’ also means a utility bill dated within 3 months of the date of the poll.”

The Chair: With this it will be convenient to discuss the following:

Amendment 56, in schedule 1, page 75, line 9, at end insert—

“(1HA) In this rule a ‘specified document’ also means a valid bank or building society debit card or credit card.”

Amendment 57, in schedule 1, page 75, line 9, at end insert—

“(1HA) In this rule a ‘specified document’ also means a birth certificate.”

Amendment 58, in schedule 1, page 75, line 9, at end insert—

“(1HA) In this rule a ‘specified document’ also means any of the following documents (in whatever form issued to the holder)—

- (a) a driving licence;
- (b) a birth certificate;
- (c) a marriage or civil partnership certificate;
- (d) an adoption certificate;
- (e) the record of a decision on bail made in respect of the voter in accordance with section 5(1) of the Bail Act 1976;
- (f) a bank or building society cheque book;
- (g) a mortgage statement dated within 3 months of the date of the poll;
- (h) a bank or building society statement dated within 3 months of the date of the poll;
- (i) a credit card statement dated within 3 months of the date of the poll;
- (j) a council tax demand letter or statement dated within 12 months of the date of the poll;
- (k) a P45 or P60 form dated within 12 months of the date of the poll;
- (l) a standard acknowledgement letter (SAL) issued by the Home Office for asylum seekers;
- (m) a trade union membership card;
- (n) a library card;
- (o) a pre-payment meter card;
- (p) a National Insurance card;
- (q) a workplace ID Card.”

Fleur Anderson: Amendments 55 to 58 include other forms of identification that could be used to prove a voter’s identity. They would include utility bills, bank or debit cards, birth certificates and other forms of non-photographic ID as acceptable types of identification that a voter may produce to obtain a ballot under schedule 1.

The Minister has stated in support of voter ID that we already ask people to prove who they are in order to collect a parcel from the post office or to rent a car. The list of identity documents accepted at the post office for

picking up a parcel includes non-photographic ID such as credit or debit cards, cheque books and utility bills. As the Government have indicated, it seems nonsensical not to extend that to voting. Instead, we should help to enable as many people as possible to get involved in our democratic processes.

The Minister might be interested to hear that half of US states with voter ID requirements allow non-photographic ID. She might also be aware that the Pickles report, “Securing the ballot”, recommended:

“There is no need to be over elaborate; measures should enhance public confidence and be proportional. A driving licence, passport or utility bills would not seem unreasonable to establish identity.”

It is estimated that 10% of people who do not have photographic ID have a birth certificate. The Government have chosen the strictest form of ID despite their own review, led by Lord Pickles, suggesting that non-photographic ID such as a utility bill would be acceptable. This is all about what is proportionate.

When it introduced voter ID, Northern Ireland did not initially require solely photographic ID. It did not leap straight to that highest barrier of ID. Elections took place for almost 20 years with a less stringent ID requirement. I urge colleagues to consider the amendments. They are logical and fair, bring the response to concerns about elections into proportion, and are in line with best practice.

9.45 am

Kemi Badenoch: The amendment would allow a voter to use a utility bill, a debit or credit card or a birth certificate as a form of identification under the new system being introduced by the Bill. I disagree with the hon. Lady’s arguments. The threshold for picking up parcels should not be the same as for voting, which is far more important.

Patrick Grady: One of the key arguments for introducing the principle of voter identification was that people needed to show ID when they were picking up a parcel from the post office. These are precisely the kinds of identification that people need to pick up a parcel at the post office. I understand the argument that people might go around harvesting poll cards, but is the Minister seriously suggesting that there is a lot of harvesting of bank cards and birth certificates going on that would make these really unreliable forms of identification at a polling station?

Kemi Badenoch: What the hon. Gentleman has said does not negate my argument. We are talking about the threshold and we are talking about photographic identification. All these things might meet the threshold for picking up a parcel, but we are making the threshold for elections tighter than that. I made the same arguments when talking to amendment 54.

Alec Shelbrooke (Elmet and Rothwell) (Con): We keep hearing this argument about what is going on in America, which is on the other side of the Atlantic.

Is my hon. Friend aware of this point? I would just warn that it is from Wikipedia:

“Netherlands: The registration office of each municipality in the Netherlands maintains a registration of all residents. Every eligible voter receives a personal polling notification by mail some weeks before the election, indicating the polling station of the

voter’s precinct. Voters must present their polling notification and a piece of photo ID (passport, identity card, or drivers license (a passport or ID is compulsory from the age of 14)). Such photo ID may be expired by not by more than five years.”

Is an argument constantly focusing on America not slightly trying to muddy the waters?

Kemi Badenoch: I thank my right hon. Friend for that intervention; I was not aware of that information, which is very helpful. It shows that the evidence we have gathered and the basis for the Bill is correct. As I set out in my response to amendment 54 about pilots, photographic identification is by far the most secure method of those piloted and I cannot agree to amendments that seek to weaken that protection.

Cat Smith: Will the Minister give way?

Kemi Badenoch: I have finished.

The Chair: You can make a speech.

Cat Smith: I had not intended to give a speech, but I want to raise the point that when we look at international comparisons, it is important to find countries that reflect our country. The reason America is used as an example is that the United States does not have a national, free, state-issued ID card, unlike the Netherlands, which the right hon. Member for Elmet and Rothwell used as an example just now, where there is a state ID card, issued by the state, for free, to every citizen. Although he is indeed correct that America is on the other side of the Atlantic—I thank him for that geography lesson—it is used as an example because it has a similar policy around state ID cards.

Alec Shelbrooke: Will the hon. Lady give way?

The Chair: Make a speech.

Alec Shelbrooke: The hon. Lady said that identity cards do not exist in this country, but of course the information from the Netherlands also refers to the fact that a driving licence or passport is also acceptable.

The Chair: Thank you for that speech.

Patrick Grady: I just want to expand slightly on the point I made in my intervention. If the opposition to the use of poll cards in the discussion on the previous amendment was because of the risk of harvesting and the lack of verification to go with the issuing of a poll card to ensure it matches the person who is carrying it, I do not see how that argument can be applied to the forms of identification listed in the amendment from the Labour party. All those require some form of external verification and, in many cases, someone else to verify the identity and the physical appearance of the person being identified in the document in question—unless there is evidence that we have not heard during our discussions: about the mass forgery of birth certificates, marriage certificates, paper driving licences or adoption certificates.

In fact, in many cases the forgery of such documents is already a crime, so if someone were to try to impersonate another voter by producing a forged or stolen birth certificate, they would be guilty of two crimes: personation under the existing electoral registration measures and forging important documents.

[Patrick Grady]

Perhaps the Minister and hon. Members who oppose the amendment are starting to question the integrity of all the organisations listed in the amendment who issue these forms of identification, such as banks and building societies who issue mortgage statements.

Aaron Bell: I thank the hon. Member for acknowledging the force of our arguments on the previous amendment, which of course he voted for. Is it not the case that people could still vote for others in their own household? That is of concern to Government Members. For example, if someone knew that their son would not vote, they could happily take one of those identity documents with them—they have no photos on them—and present themselves at the polling station. Without that check from photographic identification, security is still threatened.

Patrick Grady: I am sorry—they absolutely could not. First, I do not accept the force of the previous argument, although I accept the Committee’s decision to reject the amendment. Secondly, there is no way that someone from the same household could turn up because, by definition, they would be voting at the same polling station with the same polling clerks and with the same party candidates and activists standing outside. If one person turned up with two birth certificates, utility bills or whatever, that would be a clear case of personation. I have sufficient confidence in the integrity of our current system to trust the poll clerks on duty in a station to identify that same person from the same household trying to vote on behalf of two people.

I find it slightly ironic that my parliamentary pass, issued to me by the House of Commons on account of my being elected three times by the electors of Glasgow North, lets me get on a plane, and I can cast votes on legislation with it, but I do not think it is good enough to vote in a general election under the Bill. I am therefore happy to support the Labour party’s amendments.

Fleur Anderson: We would like to press the group of amendments to a vote, if it is possible to vote for them together.

The Chair: I am afraid the rules are that you must have a single vote on each amendment.

Fleur Anderson: I would like to press amendment 56, then. I have nothing further to add, but I beg to ask leave to withdraw amendment 55.

Amendment, by leave, withdrawn.

Amendment proposed: 56, in schedule 1, page 75, line 9, at end insert—

“(1HA) In this rule a “specified document” also means a valid bank or building society debit card or credit card.”—(*Fleur Anderson.*)

The Committee divided: Ayes 7, Noes 10.

Division No. 13]

AYES

Anderson, Fleur	O’Hara, Brendan
Furniss, Gill	Smith, Cat
Grady, Patrick	Smith, Nick
Hollern, Kate	

NOES

Badenoch, Kemi	Harris, Rebecca
Bell, Aaron	Kruger, Danny
Bristow, Paul	Mayhew, Jerome
Clarkson, Chris	Randall, Tom
Gibson, Peter	Shelbrooke, rh Alec

Question accordingly negated.

Fleur Anderson: I beg to move amendment 62, in schedule 1, page 82, line 4, at end insert—

“Reports on voter identification and turnout

35A The Secretary of State must prepare and publish reports on the effect of the voter identification requirements in this Schedule on turnout—

- across the electorate,
- in minority groups,
- among disabled people,
- among young people.

35B The Secretary of State must publish a report under paragraph (35B)—

- no later than 31 July each year, and
- in the 90 days following a general election.”

This is a highly reasonable amendment, which I hope will be supported. I also hope that all hon. Members would want to see the effects and outcomes of what the Bill does. The Secretary of State would be required to prepare and publish reports in a timely fashion on the effect of voter identification requirements in the schedule—in particular those where civil society groups have raised a large amount of concern—so that we can learn the effect of the measures in real time. The amendment would not undermine the fundamentals of the Bill; it just says, “We should report on it and learn from it in a timely fashion.” I hope that it will be accepted.

Kemi Badenoch: We believe that the amendment is unnecessary. The Bill already outlines that there must be three evaluations of the effect of a requirement to show identification on voting, and those will consider the effect of the new policy on electors’ applications for a ballot paper. Committing to further evaluations annually and in perpetuity would be disproportionate and an inappropriate use of taxpayers’ money.

The Government will consider how best to gather information relating to the impact of the policy on all parts of the electorate. Although some data will be collected at polling stations under new rule 40B, and used for evaluations, it is important to note that it would be inappropriate to collect information on protected characteristics at the polling station directly. Electors would not expect to have to answer questions about their race, sexual orientation or gender identity before receiving their ballot and might not feel comfortable doing so. We will consider how best to gather that information without such intrusion.

Patrick Grady: This is a very reasonable request from the Opposition. One of the most robust evidence sessions we had was when we discussed the impact of the Bill on minority groups and people with protected characteristics. I would have thought it would be in the Government’s interests to try to gather evidence to show the minimal impact—or indeed the positive impact—they expect the Bill and the requirement to show voter identification at the polls will have on those groups.

The Labour party makes a perfectly reasonable request. As the Minister said, there is already a certain amount of evaluation built into the Bill; an additional round of evaluation is not going to cause too much difficulty. No one is suggesting that people should be quizzed before the ballot box. There are perfectly acceptable and valid ways to conduct research, at academic or Government level, without having to put people under pressure at the moment they are carrying out their votes. We have seen some of that research already, as some of it was commissioned to help inform the Bill. The Opposition are entitled to make the points they have and can expect our support if they push the matter to a vote.

Fleur Anderson: This is the third Public Bill Committee I have taken part in, and no amendment has yet been accepted. I tabled 200 amendments to the Environment Bill. Hoping against hope, even when I stood up for the last time to speak to the 200th amendment, I thought that might be the one to be accepted. What is the point of sitting in Committee, going through a Bill line by line, for the Minister to say, “Don’t worry—we are going to look into this”?

There are ways to find out the impact on different parts of the electorate. There are definitely ways to find out the impact very quickly after an election, so that we can learn as we go on and prepare for the next election. I am very disappointed that this measure will not be taken up. It leaves the electorate wondering what the Government have to hide.

The Chair: I have been attending these Committees for 38 years and no Government, Labour or Conservative, have ever accepted any amendment.

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 10.

Division No. 14]

AYES

Anderson, Fleur	O’Hara, Brendan
Furniss, Gill	Smith, Cat
Grady, Patrick	
Hollern, Kate	Smith, Nick

NOES

Badenoch, Kemi	Harris, Rebecca
Bell, Aaron	Kruger, Danny
Bristow, Paul	Mayhew, Jerome
Clarkson, Chris	Randall, Tom
Gibson, Peter	Shelbrooke, rh Alec

Question accordingly negatived.

The Chair: We have now disposed of all the amendments to schedule 1. Unless a Member indicates to me that they wish to make detailed points on schedule 1 that have not been covered in the debate so far, I propose to put the question that schedule 1 be the first schedule of the Bill.

Schedule 1 agreed to.

Clause 2

RESTRICTION OF PERIOD FOR WHICH PERSON CAN APPLY
FOR POSTAL VOTE

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to consider that schedule 2 be the Second schedule to the Bill.

10 am

Kemi Badenoch: Clause 2 is essential to strengthen and improve the current security of the postal ballot. The clause, and associated schedule 2, will require postal voters in Great Britain to make a fresh postal vote application after a maximum of three years of being registered as a postal voter if they want to continue to vote by post at future elections. That is one of a number of measures in the Bill that implement recommendations in the 2016 Pickles report into electoral fraud, and it is needed to address documented weaknesses in the current absent voting arrangements.

The Electoral Commission’s winter tracker for 2021 found that one in five people considers postal voting to be unsafe, and the witnesses who gave evidence to this Committee also highlighted that absent voting can be particularly subject to fraud and abuse. Currently, an elector may have a postal vote on an indefinite basis as long as they provide a signature sample every five years. Requiring an elector to reapply for a postal vote at least every three years will enable the electoral registration officer regularly to assess their application and confirm that they are still an eligible elector. The measure will also ensure that electors’ details are kept up to date and reduce the waste and cost of postal votes being sent to out-of-date addresses, where they may also be vulnerable to fraudulent abuse.

By requiring each postal voter’s signature to be refreshed more frequently, we will also reduce the likelihood of a postal vote being rejected because of the elector’s handwriting changing over time. Further, asking that electors confirm their preferred arrangements at least once during the life of a Parliament provides an opportunity for someone who may have been initially convinced or coerced into having a postal vote to break out of that situation and protect their vote from being stolen.

Existing long-term postal voters will benefit from the transitional provisions in the Bill that allow them to maintain their preferred voting arrangement, and they will have advance notice of the change so that they can prepare ahead of the deadline. Electoral registration officers will be required to send a reminder to existing postal voters in advance of the date that they will cease to have a postal vote and to provide information on how to reapply.

Schedule 2 also provides for postal vote registrations for the maximum period to cease on 31 January in the year in question, which will give electors time to apply for a fresh postal vote ahead of scheduled elections in May that year if they wish to vote by post. For overseas electors, we are aligning the maximum period for which they may hold a postal vote with their registration cycle, and have extended that period so that it may also not exceed three years.

Those safeguards will not only protect against the abuse of postal voting but also, I hope, raise the level of confidence in absent voting so that no one has to feel concerned that their vote could be stolen or abused.

Fleur Anderson: We will vote to remove the requirement for the reapplication for postal voting every three years and return to the status quo of postal votes lasting an indefinite period, because we believe that the requirement

[*Fleur Anderson*]

is disproportionate, costly and confusing. We strongly oppose moves to force those using a postal vote to reapply.

Clause 2 is another Government provision that has left me scratching my head and very concerned. These pointless changes will make the process of voting more complex and bureaucratic, forcing lifetime postal voters to reapply every three years. The Minister may think that mandating re-registration every three years is making our electoral system more secure from postal vote fraud, but that is mistaken and based on flawed assumptions about where postal vote fraud is happening. It is at variance from what we heard in evidence.

In evidence, we heard about the highly concerning case of postal vote fraud in the 2004 local elections in Birmingham. However, the main concerns raised by the commissioner included the deadline for postal voting packs being close to the election—six working days before—and the lack of checks on whether applications were made by the named voter, which made it difficult to detect fraud. Clause 2 does not address that.

Following that case, the Electoral Commission made a number of recommendations, including using personal identifiers for postal votes, moving the deadline for applications from six to 11 working days before polling day and making falsely applying for a postal vote an offence. The Electoral Administration Act 2006 was passed by the Labour Government in response to criticisms and has addressed a number of those concerns already, including a system of personal identifiers for postal ballots. What is the evidence that clause 2 will address the postal fraud that has been identified in the cases about which we have heard? The measure is not based on good evidence.

The second thing we are deeply concerned about is that the changes will reduce flexibility for voters and risk imposing yet another barrier to voting, which damages our democracy. Ministers should direct their energy towards changes that make voting easier, not putting up barriers. The change will suppress voting and erase the positive improvement in postal voting seen during the pandemic. It is unnecessarily bureaucratic.

We have seen a gradual rise in the use of postal voting over recent years, as an easy and flexible alternative for those who prefer not to visit the polls in person, even more so during the pandemic. In 2001, 1.8 million postal votes were issued; in 2012, 6.3 million; and at the last general election in 2019, 7.3 million postal votes were issued. As has been mentioned, in his review, Lord Pickles concluded that

“the availability of postal voting encourages many legitimate electors to use their vote effectively”.

But forcing people to keep reregistering so frequently—too frequently—could risk disenfranchising people who are not aware until it is too late that the rules are changing and that they need to reapply for their postal vote, when they have only had to do it once before. Changing the rules is confusing.

We oppose moves to change the law to limit who can hand in postal votes at polling stations. That change could create barriers for some voters who genuinely need assistance. My other concern is the sheer cost; as we mentioned, the Cabinet Office’s own impact assessment

published with the Bill estimates the cost of the new requirement for postal voters to register every three years rather than five at between £6 million and £15 million. This will cost millions of pounds, and do we even need it? That estimate is in addition to existing costs and is based just on the cost of sending out the additional letters, let alone the extra administration and advertising costs. Can the Minister explain how she will pay for those additional costs?

There is also a capacity issue for local councils. It will inevitably prove hugely burdensome on local authority election teams, who are already overburdened and under-resourced. The Association of Electoral Administrators agrees with that assessment. It believes that reapplying for a postal vote every three years rather than five will bring an “additional burden to Electoral Registration Officers, creating more regular peaks of demand.”

There is the confusion between different election systems in the devolved nations. Currently, neither Scotland nor Wales has diverged from existing legislation on postal voting. Postal votes on demand are available indefinitely, as they currently are in England, and signature refreshes are also required every five years. If the current measures in the Bill are approved, a complex, messy system of divergent requirements for different sets of elections will be created. I cannot imagine having to explain that multiple times on the doorstep, and for councils to have to explain that: one local election will be like this, but a general election will be like that. It will be very confusing.

Confusion stops people voting and gets in the way of our democracy. For instance, someone who has chosen to vote by post permanently in Scotland and Wales will be required to reapply every three years for their postal votes for the UK parliamentary elections, and will also separately be required to refresh their signature for postal votes in devolved elections every five years. It will create a huge administrative and bureaucratic nightmare that will be highly confusing for voters, who do not look in as much detail as we do at postal votes and when to sign for them and apply for them. I have yet to hear the Minister’s solution to that, and I hope to hear it now.

The clauses are pointless and arbitrary; they will not achieve what the Government is setting out to achieve. As usual in the Bill, they are disproportionate. There is very little evidence that they are necessary. They will hit the already disenfranchised the hardest. They will cost the taxpayer millions of pounds, pile the pressure on our already overstretched electoral staff and conflict with the frontline service delivery of our local councils. I urge colleagues not to let the clauses stand.

Patrick Grady: I will echo many of the hon. Lady’s points. The renewal of a postal vote comes up on an annual basis when the check of who is registered at the household comes through the post. It indicates whether electors are postal voters. If they wanted to change at that point, the opportunity would be there. But the Bill is putting on a separate new requirement. When a voter moves house, a fresh check is done—I know that from recent personal experience. When a voter moves house, they are asked to reapply for a postal vote at their new address.

The move to expand postal voting over the years has undoubtedly helped to increase turnout and participation. The Labour spokesperson explained that, where there

have been difficulties, measures have been taken to stop them. That is not an argument to make it more difficult in general for people to apply for and exercise the right to vote by post.

The point about the risk of procedural complication is particularly acute. There is an interesting question about why the renewal has been set for every three years rather than every two, four or five years. Maybe the Minister can explain the evidence base for that when summing up, because that would help to align it with the parliamentary cycle of elections, although there is no cycle of elections at the moment—they are just happening on an almost annual basis. The effect of that is the real risk of someone who thinks they are registered for a postal vote actually being caught out because their postal vote expires while they are away for whatever reason has already inspired them to apply for a postal vote. They may then find that yet another snap election has been called and they are left effectively disenfranchised.

I echo the point about divergence across the United Kingdom. My hon. Friend the Member for Argyll and Bute and I have no problem with divergence. We have a solution to people in Scotland getting confused about voting in Westminster elections, which is to stop that from happening and for Scotland to be an independent country. If Members on the other side of the House and indeed our good friends on the Labour Front Bench do not want that to happen, perhaps they need to think about the divergence and different franchises that are being established across the United Kingdom, and about the different voting systems and the increase in differences. Quite how that makes a case for a strong and stable Union—well, it is not a case for me to make. We fully support the Labour party in opposing this clause and I look forward to hearing how the Minister responds to the points.

Paul Bristow: In response to some of the points made by the hon. Member for Putney, I would argue that this change is perfectly reasonable. If someone is trying to renew something as precious as their postal vote, it is perfectly reasonable to be asked to do that every three years. As it happens, I personally think it should be done every year. Households have to renew who is on the electoral register every year. It is not that much of a leap to apply yearly for something as precious as a postal vote. This is a perfectly reasonable request.

I would like to draw Members' attention to the evidence we heard from the chief executive of Peterborough City Council. It was argued earlier that some of the restrictions about who could hand in postal votes to a polling station were unreasonable. I would ask, what is reasonable about people walking up to polling stations, indeed to the town hall the night before, with plastic bags full of postal votes?

Cat Smith: I thought I might help out the hon. Gentleman, because I think he might be straying into the next schedule to the Bill. The hon. Gentleman said that he thought that he would like to see postal votes renewed every year. Why did he not table an amendment to the Bill on that?

Paul Bristow: Because we have to start somewhere. As a start, considering the evidence and arguments we have had, renewing every three years is a perfectly reasonable thing to ask someone to do. We should look

at what happens after three years and maybe in the future we can see where we are. It is perfectly reasonable to ask someone to apply for something as precious as a postal vote every three years. We have talked about how important the privilege of voting is. If it is important, it is perfectly reasonable to fill out a form every three years. Evidence from my constituency suggests that we have wards in Peterborough that are twice as high as the national average for registered postal votes. I am not saying that that is done for any particularly nefarious reason, but clearly considerable postal vote harvesting and postal vote recruitment have been seen in Peterborough.

Jerome Mayhew (Broadland) (Con): Does my hon. Friend recall the reasons Lord Pickles gave in his 2016 report in favour of this measure? He said, first, that it “would provide an opportunity for up-to-date checking of the application against other data at the local authority,”

secondly, that

“it would help to reduce scope for redundant postal votes to continue to go to an address which the elector has left”,

and, thirdly,

“it also provides anyone with a postal vote who feels they are subject to coercion or undue influence with an opportunity to cease having a remote vote.”

Does he agree that the third of those reasons is the most important?

10.15 am

Paul Bristow: I absolutely do. The evidence comes from Peterborough, Tower Hamlets and many other parts of the country. It is not isolated to a handful of local authorities; it is much more widespread than Opposition Members would believe. A lot of the evidence we heard in Committee about fraud—Opposition Members have made this argument time and time again—was that the issue was postal votes. Here is an opportunity to try to do something about it, and I urge hon. Members to support this element of the Bill.

Kemi Badenoch: I will respond briefly to Opposition Members' points, which can be summarised as, “This new measure is burdensome.” I thought it would be helpful to let the hon. Member for Putney know that any additional costs on local authorities or electoral returning officers relating to these measures would be covered under the new burdens doctrine. She also mentioned administrative burdens on devolved Administrations, and the answer to that is that they could easily align what they are doing with what we are doing if they felt it was overly burdensome on them.

Question put and agreed to.

Clause 2 accordingly ordered to stand part of the Bill.

Schedule 2 agreed to.

Clause 3

HANDLING OF POSTAL VOTING DOCUMENTS BY POLITICAL CAMPAIGNERS

Question proposed, That the clause stand part of the Bill.

Kemi Badenoch: Clause 3 introduces a new criminal offence and bans political campaigners from handling postal voting documents issued to others. This is designed to address activities and behaviour that have been a cause for concern at previous elections. The Pickles

[Kemi Badenoch]

report into electoral fraud found that there had been episodes where party activists had used the ploy of canvassing or answering inquiries from voters about completing postal votes to collect or harvest the votes of other postal voters. There is a real risk that voters could be coerced into completing their postal voting statement before handing the ballot paper unmarked to campaigners to be taken away and filled in elsewhere.

The Pickles report also highlighted that concerns have been raised about party activists taking completed ballots and then choosing not to submit them if they are not completed in a way that suits the campaigner's aims. Clearly, these are very concerning matters and show that there are weaknesses in the current arrangements that have been, and could be again, exploited by persons seeking to undermine the integrity of the electoral system. That is why the Government in their manifesto committed to stopping postal vote harvesting.

The Electoral Commission's code of conduct for campaigners is clear that campaigners should never touch or handle anyone else's postal ballot paper.

Paul Bristow: Hear, hear!

Kemi Badenoch: However, the code does not have legal force. We believe it is time to put it on a statutory footing, and make it a criminal offence for political campaigners to handle postal votes.

The clause sets out details of the postal vote handling offence and makes the offence a "corrupt practice". Of course, it is perfectly reasonable that a political campaigner might, like many others, want to offer help to a family member, perhaps offering to drop their household's completed ballots into the post box. This measure makes provision for that, creating exemptions to the offence where the handler is a listed family member or carer of the postal voter. We do not wish to deny legitimate support, but we must be clear, as the Bill is, that systematic collection of votes is unacceptable. This measure will strengthen the integrity of postal voting and give protection to postal voters from those who would seek to subvert the postal voting process.

Cat Smith: The official Opposition rise to support that clause 3 stand part of the Bill. Indeed, the advice given by the Electoral Commission is also issued by the Labour party to our own activists, in terms of the rules by which we guide our canvassers, campaigners and candidates not to handle postal vote documents from electors when out canvassing. Fraudulently applying or tampering with or using someone else's vote—postal vote personation—is already a criminal offence in electoral law; and a person convicted of personation or postal voting offences, which are corrupt practices, can be disqualified from standing for and voting in elections for five years. This proposal is in line with the advice that we give our campaigners and activists already, so we will not oppose clause 3.

Patrick Grady: Again, I just want to echo the points made from the Labour Front Bench. This is advice that I think all of us identify as best practice. All of us want to ensure the integrity of the system when we are out and about canvassing our voters, and particularly on polling day, as regards the handling of postal voting

documents. I just think it is interesting that we can find points of consensus, and perhaps as we go through the Bill we will find some others. It slightly speaks to points that were raised in evidence and on Second Reading about the need for a far more far-reaching and comprehensive review of electoral legislation, and that is precisely the kind of thing that might have been achieved by more effective prelegislative scrutiny—by a draft Bill and a draft Bill Committee that would have heard from a wide range of stakeholders, that would have taken place over a longer period and that would really have come up with the comprehensive electoral legislation reform for which we have heard there is a need. We all welcome this provision, and we want to see this particular clause proceed, but it is a pity that it is couched among so many other things that we find objectionable and will continue to object to.

Question put and agreed to.

Clause 3 accordingly ordered to stand part of the Bill.

Clause 4

HANDING IN POSTAL VOTING DOCUMENTS

Cat Smith: I beg to move amendment 69, in clause 4, page 8, line 27, at end insert—

“(6) The Secretary of State may not make any regulations using powers under this section unless they have first undertaken a public consultation on a draft of those regulations for a period of not shorter than 28 days.”

This amendment would require the Secretary of State to conduct a public consultation for at least 28 days before making regulations by virtue of Clause 4 of the Bill.

The Chair: With this it will be convenient to discuss clause stand part.

Cat Smith: Clause 4 is about the handing in of postal vote documents—not necessarily by party political campaigners, but by anyone. It is about setting out requirements for the handing in of postal votes to the returning officer and at polling stations, including setting a limit on the number of postal voters on behalf of whom a person may hand in postal votes, and postal votes being rejected if not handed in in accordance with the requirements.

The new rules could create barriers for some voters who genuinely need assistance. For example, the new rules will limit, perhaps, care home staff being able to hand in, say, a dozen postal votes from residents in the care home. This leaves us in the bizarre situation whereby a care home worker could drop a dozen postal votes into a postbox but not hand them in at a polling station, so I raise that as a potential loophole with the Minister. There is something of an inconsistency. As has just been said by the SNP spokesperson, the hon. Member for Glasgow North, perhaps some level of prelegislative scrutiny with a draft Bill could have allowed us to look at ways to deal with such matters. Given that we can find consensus on many issues in relation to elections, we might have been able to iron some of these matters out before we ended up in Committee.

Let me deal with amendment 69. In its current form, the Bill, as I have just set out, contains numerous holes. Our amendment asks the Government to provide draft regulation that would include greater detail about exactly how the new limit would be enforced, and I would like

to put a few questions to the Minister. Could she outline whether polling station staff will be asked to enforce the new limit, and if so, how? What level of training does she envisage polling staff will receive in order to be able to, potentially, enforce this legislation?

Paul Bristow: I want to repeat the point that I probably made rather presumptuously in my previous remarks. I want to know what the hon. Lady's thoughts are on the evidence proposed by Gillian Beasley, the chief executive of Peterborough City Council, when she described a practice of people turning up with plastic bags full of postal votes either at polling stations or at the town hall the night before the election. I want to know whether she thinks that a reasonable practice.

Cat Smith: That is exactly why prelegislative scrutiny would have been useful. This is about the distinction between political campaigners and voters. There are legitimate reasons why some voters may wish to hand in more than two postal votes at a polling station.

I gave the example of a care home, but equally, in the current context of covid, a family of three may not have posted their postal votes and ask neighbour to deliver them. If two postal votes can be handed in by an individual but three postal votes cannot, and someone turns up with three, how do we know if that third postal vote is an individual postal vote? There are various holes in the legislation. I am putting these questions to the Minister and I hope she will be able to answer them.

For example, with the limit of two postal votes, if someone were to turn up at a polling station with three postal votes to hand in, and they are able to hand in two for other people and one for themselves, how do we know which is which, given that when they are sealed there is no way of identifying whose votes they are? If the person says, "That one is mine. That is my postal vote so I can legitimately hand that in, and these are the two that I can legitimately hand in," how would a polling clerk know that those were two postal votes that were being handed in on behalf of other people and one that was for that individual, if the envelopes are sealed and there is no way of identifying them? Can the Minister clarify how she envisages a polling clerk can make that assessment?

According to the explanatory notes accompanying the Bill,

"regulations may require a person seeking to hand in a postal voting document to complete a form containing specific information, which the government anticipates would include, among other information, the name(s) of the postal voter(s) whose ballot papers are being handed in. Regulations may make provision to require the "relevant officer" receiving the ballot to reject the document if the person fails to complete the form."

The Minister will know that, once completed, a postal vote does not have a person's name on the front of the envelope, for obvious reasons to do with the secrecy of the ballot. How does the Minister see this being enforced or policed? It would be impossible to know if the postal vote being handed in actually belongs to the person recorded on the form.

I leave the Minister with those questions. It would be helpful to have some clarification on these matters, in terms of how the Committee might progress and whether or not to accept this clause as part of the Bill. I draw the distinction between political campaigners, whose actions

were the subject of the clause we previously debated and who I believe should be held to rights, and members of the general public, who might be handing in postal votes on behalf of a neighbour or family member, or be a care home worker handing in ballots on behalf of residents of a care home.

Kemi Badenoch: Amendment 69 would require the Secretary of State to conduct a public consultation for at least 28 days before making regulations under the provisions in clause 4 of the Bill. The Government will not be accepting the amendment as we believe it would impose an unnecessary administrative burden.

The Government will be required to consult the Electoral Commission on any regulations made under this clause, followed by parliamentary scrutiny under the affirmative SI procedure, which answers the hon. Lady's question about further detail. We have had a similar conversation in earlier Bill Committees, but Parliament would naturally want to ensure that any future changes are appropriate and based on contemporary evidence.

We have been working with the Electoral Commission and electoral stakeholders on the issue of handing in postal votes while developing the legislation. We will continue to consider their inputs, and the needs of voters, in the development of the regulations. With the example that the hon. Lady gave about care homes, I do not believe that that is a loophole. Just as we said earlier in terms of political campaigning, we recognise that there are exceptions, and a carer in a care home would fall into that.

The measures in the Bill to tighten up the current arrangements concerning the handling and handing in of postal votes flow from the report by Sir Eric Pickles into his review of electoral fraud. That review took into account views from a range of persons, including academics and policy-makers; electoral administrators and political parties; and people who have found themselves impacted by real examples of fraud. The review's findings were informed by a wide range of views. Given that, the Government are not able to accept the amendment.

The Chair: Does Patrick Grady wish to comment?

Patrick Grady: I would, Sir Edward, seeing as I have been so kindly invited to. Conservative Members are clearly enjoying this riveting debate and it is great to see them engaging with such force and alacrity, as someone used to say. We agree with the points made by the Labour Front Bench. There is a legitimate difference to be made between political operatives such as ourselves, who are trained—or at least ought to be trained—in the process of going out and canvassing and handling electoral documents, and the wider public, who perhaps need to understand a little bit more about the detail.

10.30 am

The request in amendment 69 for a Government review is perfectly acceptable. It goes back to the point about scrutiny and some of the things that might have been achieved if we had had a bit more prelegislative discussion before the Bill was brought forward. It will not be a surprise to the Committee that the SNP is happy to support the Opposition Front Bench.

Aaron Bell: I have been provoked by the hon. Member for Glasgow North to show some more support from the Government side for the clause. Before I do so, I would like to briefly pay my own tribute to Sir David Amess. The first general election I was able to stay up late for the results for was 1992. I did not fully understand the concept of a bellwether seat and all the rest of it, but we were all talking about Basildon for the first hour or so before the result came in, and when it did, we saw his million-watt smile. Twenty-seven years later, when I found myself in this place, that smile was still as bright as ever.

We have lost two very dedicated public servants in Sir David Amess and James Brokenshire. They gave decades of public service to this place and their constituents. What I would say about both of them is that it was always service with a smile.

I welcome the clause. It is a proportionate response to the cases we have seen and the evidence we have heard. My hon. Friend the Member for Peterborough referred to cases in his constituency. We heard from Peter Golds about what went on in Tower Hamlets. I wholeheartedly agree with the Minister on why the amendment is unnecessary. I will leave it there—to be honest, the hon. Member for Glasgow North just provoked me a little bit. As ever, I think the Government have considered the issue properly. I have listened to the Opposition's points on prelegislative scrutiny, but the clause is very detailed and the Government have considered all the points that need to be addressed. For that reason, I support it.

The Chair: It might be a convenient moment for the Minister to make her clause stand part speech now.

Kemi Badenoch: Thank you, Sir Edward. Clause 4 concerns the handing in of postal ballot papers at elections. The clause is closely linked to clause 3, which introduces the new offence banning political campaigners from handling postal votes issued to other persons. Together, these measures address concerns about the harvesting of postal votes and individuals handing in large numbers of postal votes, and reduce opportunities for votes to be stolen.

It will still be permitted for people who are not campaigners to handle and hand in postal voting documents issued to others. However, we believe that it is important to ensure that the arrangements in place governing that process are robust and support the integrity of postal voting. The clause therefore seeks to tighten up the current arrangements concerning the handing in of postal votes. It does so by introducing powers to allow regulations to be made that set out requirements for the handing in of postal votes at elections to returning officers across the UK and at polling stations in Great Britain. That includes setting a limit on the number of postal voters on behalf of whom a person may hand in postal votes, and requiring postal votes to be rejected if not handed in in accordance with the requirements.

We currently envisage that in addition to their own postal vote, an individual will be able to hand in the postal votes of up to two electors, but that will be considered during the process of developing secondary legislation, which I hope the hon. Member for Lancaster and Fleetwood will be most interested in and will contribute to.

I note that currently there is no requirement for a record to be kept of persons who have handed in postal votes or of whom those votes belong to. The clause will allow regulations to require persons handing in postal votes to complete a form giving these details, which will help promote compliance with the new requirements and with investigations of allegations of fraud.

It is right that these reasonable limits are introduced on the handing in of postal votes to ensure that the integrity of postal voting is safeguarded. The clause, and the postal vote handling measure in clause 3, are aimed at addressing activities and behaviour that have been cause for concern at past elections. They will give greater confidence in the integrity of the process by preventing an individual from collecting and handing in unlimited numbers of postal votes on polling day to returning officers at polling stations across Great Britain or at the Electoral Office in Northern Ireland.

Cat Smith: I am glad that the Minister has raised the issue that I will almost certainly be spending many more hours of my life in a Committee Room ironing out how this stuff works in secondary legislation. My frustration is that so much is not on the face of the Bill and will be decided in secondary legislation in Committee corridors, which, as you, Sir Edward, and members of the Committee have pointed out, does not have the same level of scrutiny as it does on the Floor of the House. Indeed, it is very unusual—I do not think it has ever happened—that an Opposition have amended a piece of legislation in an SI Committee or a Bill Committee and it has been accepted by the Government. It seems somewhat reckless to be legislating on the strength of the Bill as it stands, because it does not have the level of detail that we will clearly need.

I am minded to press my amendment to a vote. Picking up on what the Minister said in her opening remarks about its being an unnecessary administrative burden, there is a huge administrative burden on our electoral officials up and down the country, and the Bill will heap a whole load more tasks on electoral returning officers and registration officers in town halls across the country. In the last five years there has been one piece of legislation after another, putting more and more administrative burdens on electoral returning officers.

I think it is fair to say that our local authorities have had their belts tightened. They have had austerity and cuts, and we are asking fewer and fewer people to do more and more. I want to flag my concerns that electoral administrators are under a lot of pressure and that the Bill is putting additional pressure on them. While it is slightly beyond the scope of my amendment, I will be cheeky and say that the Government really need to look at how we resource local authorities as well.

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 10.

Division No. 15]

AYES

Anderson, Fleur	O'Hara, Brendan
Furniss, Gill	Smith, Cat
Grady, Patrick	Smith, Nick
Hollern, Kate	

NOES

Badenoch, Kemi	Harris, Rebecca
Bell, Aaron	Kruger, Danny
Bristow, Paul	Mayhew, Jerome
Clarkson, Chris	Randall, Tom
Gibson, Peter	Shelbrooke, rh Alec

Question accordingly negated.

Clause 4 ordered to stand part of the Bill.

Clause 5

LIMIT ON NUMBER OF ELECTORS FOR WHOM A PROXY
CAN VOTE

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to consider that schedule 3 be the Third schedule to the Bill.

Kemi Badenoch: The purpose of the clause and associated schedule 3 is to strength the current arrangements for proxy voting. Currently, someone can act as a proxy for up to two electors and an unlimited number of close relatives in any constituency in a parliamentary election or any electoral area at a local election. That can give rise to situations where an individual can harvest and cast many proxy votes over which they may have inappropriate influence. It may lead to someone being coerced into appointing a proxy who could then effectively steal their vote.

The Bill introduces a new limit of four on the total number of electors for whom a person may act as proxy in UK Parliament elections or local government elections in England. Within this figure of four, no more than two may be domestic electors—that is, electors who are not overseas electors nor service voters. All four may be overseas electors or service voters.

The approach will tighten up the rules on proxy voting while also providing appropriate support for overseas electors and service voters wishing to appoint a proxy. It will be an offence for an elector to appoint a proxy knowing that the person they are selecting as proxy is already appointed as a proxy for the permitted number of electors. An appointed proxy will also be guilty of an offence if they vote as proxy for more than the permitted number of electors.

Of course, these provisions have been developed to ensure that there are no gaps for those already voting by proxy. Under the Bill, there will be transitional provisions for existing proxy voters, so that they will have advance notice of the change. The current proxy voting rules will continue until a date to be specified in secondary legislation. At that point, electors wanting to continue with a proxy vote arrangement will need to reapply for a proxy vote under the new rules. Electoral registration officers will be required to send a reminder to existing proxy voters in advance of the date they cease to have a proxy vote,

and to provide information on how to reapply for a proxy vote.

The Bill will also amend the eligibility requirements to act as a proxy at elections in Northern Ireland by providing that a person must be registered in a register of electors to be eligible to act as proxy. Currently, a proxy is not required to be registered but must meet age and nationality requirements. That will bring elections in Northern Ireland in line with proxy eligibility in Great Britain.

The measures will reduce the risk of fraud and reassure voters that appropriate safeguards are in place to protect the integrity and fairness of the proxy voter system. The clause will prevent an individual from casting a potentially unlimited number of proxy votes, over which they could have inappropriate influence.

Patrick Grady: I have a couple of questions. The Minister said that it will be an offence if a person knowingly asks to be their proxy someone who already holds the maximum number of proxy votes. How on earth will that be determined? Is there any risk of people being prosecuted when they have, in good faith, asked someone who, whether on purpose or accidentally, is acting in bad faith by securing more proxy votes than the statute allows?

Where did the figure of four come from? Why not three? Why not five? Why not some other figure? What research has the Minister's Department carried out to determine that four is the optimal and safely manageable number of proxy votes? Is there any evidence that if someone has four proxy votes, they are probably not carrying out personation or any other kind of voter fraud, but if they have five, there is clearly criminal intent, and they must be punished to the full standard of the legislation?

We accept that there is a certain issue around the management of proxy votes, as we heard in evidence, but we need from the Minister a robust defence of the necessity for the provisions. I look forward to hearing that before we determine whether the clause should stand part.

The Chair: Does the Minister wish to reply?

Kemi Badenoch: Not particularly, no.

The Chair: Debates would be a lot shorter if Ministers always said that.

Question put and agreed to.

Clause 5 accordingly ordered to stand part of the Bill.

Schedule 3 agreed to.

Ordered, That the debate be now adjourned.—(Rebecca Harris.)

10.43 am

Adjourned till this day at Two o'clock.

