

Speech: A Clear and Secure Democracy: Chris Skidmore speech

Firstly, my thanks to the Electoral Commission and the National Police Chiefs' Council for arranging and hosting today's event and inviting me to attend and speak. I am pleased to have the opportunity to outline my vision for improving electoral integrity to those who find themselves at the front line when allegations of impropriety are made.

The delivery of fair and inclusive elections in this country relies on people trusting them and participating in them. In recognition of the work you do to support and engender that trust, I am eager to start and develop conversations with you about how we can best provide support to you in your important work, to ensure the integrity of polls.

Elections and referendums, as you know, are already complex in terms of both legislation and delivery. We have been through a period of change with the recent introduction of individual electoral registration, but there is further work on registration processes ahead, and we are faced with further change in new parliamentary boundaries, implementing the recommendations from Sir Eric Pickles' review, and in preparing for the significant combination in May 2020.

I am committed to making sure that government and all of our key partners have the tools that we need to successfully meet these challenges. To ensure electors have the utmost confidence in the integrity of our democratic processes, we need to work together to address areas of vulnerability and build upon our resilient foundations.

My aim to ensure that our democracy works for everyone rests on four key pillars, which I would like to outline briefly here. The creation of equal seats will ensure that everyone's vote is treated equally, by bringing our historic Parliamentary constituencies up to date.

The government is committed to providing British citizens living overseas with Votes for Life, which is founded on the important principle that, no matter how far you travel or when you left, participating in the democratic process remains a fundamental part of being British.

I will also ensure that, across each part of the UK, Every Voice Matters. With more citizens than ever before registered to vote, I have been visiting the length and breadth of Britain to identify the barriers that stop many people from exercising their democratic right to participate. I will continue to encourage under-registered groups to engage in the democratic process.

The final key pillar that upholds the principle of a democracy that works for everyone is our commitment to building a clear and secure democracy. I think it is important to the integrity of elections in the UK that we are clear about who can vote, and that the systems used both to deliver and to

participate are robust and reliable, and that area is the focus of this round table today.

I am committed to strengthening our electoral processes and enhancing public confidence in the rigour of our democracy. In doing so, I think it is important that we recognise that perceptions of fraud can have just as corrosive an impact on the robustness and reputation of our democratic processes as evidence that illegal or corrupt practices have actually taken place.

Data recently published by the commission showed that almost a third of voters believe that electoral fraud is a problem in the UK. As Sir Eric noted in his review, "perceptions can play as big a part in undermining the system as well as actual proof of fraud".

Recognising this fact, the government's approach to tackling electoral fraud will focus on tackling illegal acts where they are (and where there is potential for them to be) committed, as well as the vulnerabilities that can give rise to the perception that our system is susceptible to fraud.

This approach is particularly important in the context of the Tower Hamlets case, the details of which I know will be familiar to all of you. This case played a large role in sparking off Sir Eric's review.

As Secretary of State for Communities and Local Government at the time of the scandal, Sir Eric was able to bring his valuable experience to his review. I agree that this case illustrates the vital importance of not taking our democracy for granted.

Tower Hamlets exposed a number of flaws and gaps in the system, and the government remains aware that the case has significant implications for local authorities across the country, across multiple areas of the electoral process.

It is sadly true to say that the alarming state of affairs witnessed in this case have not been unique. In the judgement of the election court held in Birmingham in 2004, Richard Mawrey QC said that the evidence of electoral fraud he had examined would "disgrace a banana republic".

Sir Eric was clear that the abuses seen in these cases were made possible by weaknesses that feature in the systems used throughout Great Britain. The government's response outlines a plan for addressing these vulnerabilities comprehensively, across the country.

The reforms and changes that the government will look to bring forward under this pillar are especially relevant to our meeting today, and today I would like to address the details of this pillar specifically.

The government's response to Sir Eric Pickles' review of electoral fraud was, I believe, an important first step towards the achievement of the objective of a clear, secure democracy that works for everyone. It sets out a comprehensive, challenging programme of work for strengthening our democratic processes.

The government is keen to work closely with the commission, the AEA, SOLACE, and other partners to determine how and when work will be taken forward on Sir Eric's recommendations.

I have made clear my view that fraudulent electoral activity is unacceptable on any level. We have responded positively to the large majority of Sir Eric's recommendations. In doing so, I believe we have set out some direct and proportionate steps for addressing the vulnerabilities in our system.

Sir Eric identified areas where electoral controls could be tightened. We will look to bring forward work to make sure that voters are protected against the risks of intimidation by campaigners and activists, inside and outside of the polling station; we will seek opportunities for ending the dubious practice of postal vote harvesting by political supporters; and we will give careful consideration to the practicalities involved in using data, such as on nationality, to address fraudulent actions.

A cornerstone of the overall package, the response outlines the government's intentions to run a number of pilot schemes to test how asking voters to present a form of identification before taking their ballot paper impacts on the way elections work. We aim to run the pilots at local government elections in 2018.

We are interested in piloting both photographic and non-photographic forms of identification, which could include passports, driving licences, local travel passes, utility bills, or documents that bear voters' signatures. This will ensure that every voice can be heard.

I don't agree with the suggestion that there is a trade-off between security and turnout. Northern Ireland has successfully operated ID for over a decade, having been introduced under a Labour government.

Indeed, a lot of people wrongly believe that they can't vote without their polling card at present. If electors realise that they can vote just by turning up with some ID, it could encourage more people to vote on election day.

Our intention in introducing these pilot schemes is to close down those avenues and opportunities for fraud that can still be used by unscrupulous individuals to subvert our elections. In his review, Sir Eric noted that the absence of a requirement that voters present identification before they vote remains "a significant vulnerability" in the eyes of expert organisations; I understand that 101 cases of alleged fraud in polling stations were reported in 2016. In its December 2015 report, Briefing on electoral fraud vulnerabilities at polling stations, the Commission concluded that there "are few checks available at polling stations to prevent someone claiming to be an elector and voting in their name".

I was particularly interested to read about the case of personation in Scotland at last year's referendum; the crime was only reported because of the vigilance of a polling clerk, who recognised that an elector had already voted earlier in the day. We do not know how often this type of fraud goes

unnoticed. The government takes the view that this vulnerability should be addressed and explored further, through the pilot schemes.

Tackling perceptions, as I have said, is also a key motivator for government in introducing these schemes. I agree strongly with the view that the absence of a significant amount of evidence does not mean that fraudulent practices are not taking place.

I was pleased to read that the commission has reported a fall in 2016 in the number of alleged cases of fraud, compared to the previous year. But the true extent of fraud in Great Britain is still, largely, unknown, and we should remain wary of complacency. Voter identification measures, if explored thoroughly, can enhance public confidence in the integrity of our elections, and the schemes we intend to run are an important step to achieving this.

I am of course aware that the Electoral Commission and a number of other organisations, such as the Organisation for Security and Co-operation in Europe, and the Office of Democratic Institutions and Human Rights, have previously called for the introduction of an electoral identity card, similar to the card introduced in Northern Ireland in 2003.

We have given consideration to the commission's useful report on voter identification, which gives estimates for the cost of introducing a proof of identity scheme to UK elections, and a comparative look at the current Northern Irish system.

But we are not minded, at present, to bring forward proposals for a new, bespoke electoral identity card. Our view is that the financial and logistical obstacles outweigh the benefits of trying to pilot such a scheme in time for the 2018 local government elections. We are also conscious of the decision made in the last parliament to scrap the Labour government's plans for a national identity card.

This government has not taken any decisions on where pilots will take place, or which measures will actually be piloted. The response referred to the 18 local authority areas identified by the Commission as being most at risk of allegations of electoral fraud.

Although I recognise that some of these areas may be interested in running a pilot, in referring to them we have not, as such, earmarked them. Indeed, some of these areas will not be holding polls in 2018.

The detail of the schemes will be worked through in the coming weeks and months. We will be working hard, along with the Commission, to make sure that the approach and methodology for the pilot schemes is measured and clear, and strikes the right balance between accessibility and integrity.

It is encouraging that, in Northern Ireland, there has been no level of evidence that voters have been disenfranchised as a result of the voter identification measures adopted to increase security. And I'm sure there is a great deal that we can learn from the experiences of many other democracies around the world, including Austria, Canada, Germany, and the Netherlands,

where forms of voter identification to combat fraud and strengthen integrity have already been successfully adopted.

It is vital that the pilots present government with all the information it needs so that the right decisions about the suitability of voter identification in Great Britain as a whole can be made. Our aim is to close opportunities for fraudulent activity, and ensure that the views of legitimate voters are protected. I believe the pilots we intend to bring forward offer us an opportunity to identify proportionate safeguards against the risk of personation and other types of fraud.

I am keen to emphasise today that the pilot schemes outlined in our response, which have been the focus of much media attention in recent weeks, are just one element of a programme for electoral reform that is far wider in scope.

The government also has plans to bring forward work on recommendations that Sir Eric made in other areas, including postal voting, polling stations, registration, and legal challenges and offences.

Sir Eric drew attention to instances of intimidation and undue influence outside some polling stations in the UK. In extreme cases, such as Tower Hamlets, some voters were too intimidated to enter the polling station and exercise their democratic right.

I'm sure we all agree that such behaviour is unacceptable. The government therefore intends to explore the practical implications of strengthening the existing powers of returning officers and the police, so that such activity can be dealt with appropriately.

The response also addresses the concerns of respondents to the review about the potential for fraud around postal voting. Practical steps have recently been taken to explore how these concerns can be addressed. Ahead of the polls in May 2015, funding was made available to the local authority areas that the commission had designated as being at higher risk of fraud allegations, to support the trialling of initiatives for tackling electoral fraud. These included exploring how the secret, personal nature of the postal ballot could be enforced.

The government is confident that the current system is robust and secure; personal identifiers were introduced in 2007 and, coupled with the introduction of individual electoral registration, opportunities for large scale organised fraud in this area are largely unavailable. However, we should not be complacent, and I recognise that some aspects still need to be tightened.

Specifically, the government is keen to look at how we can stop political activists from handling complete postal ballot packs. In some elections, campaigners go round knocking on doors 'harvesting' postal votes and pressuring people to hand them over. This opens the door for unscrupulous campaigners to tamper with legitimately cast votes or apply undue pressure. Postal vote harvesting must be banned – it is a threat to free and fair elections.

Sir Eric also heard evidence that pressure had been put on vulnerable members of certain communities to cast their postal vote according to the wishes of family members. This was heard to take place most often in places where the right to vote in secrecy and independently were not respected. We cannot just ignore this because of politically correct sensibilities.

To address this issue, the government will look to extend the secrecy provisions to postal voting that already exist for voting in person, and will work closely with you to establish how this can be implemented effectively. Offences and the legal challenge process are also areas where the government is keen to bring forward reforms.

Our response agreed with Sir Eric that the maximum penalties for electoral fraud offences should be increased, and agreed to consider rewriting these offences in more readily understandable terms, to address concerns raised by many that, currently, they are not sufficiently robust or widely understood. I am confident that this is something that will assist those of you here whose job it is to apply these offences both in policing and in prosecution.

I would say, however, that many have rightly questioned why there were no criminal prosecutions in Tower Hamlets following the Election Court judgment in 2015. The court resulted in findings of corrupt and illegal practices to a criminal standard of proof, following extensive scrutiny and cross-examination in the Royal Courts of Justice.

Despite the removal of the then elected mayor for corruption, fraud remains a real threat in Tower Hamlets. Government appointed officials still administer some of the councils' functions. Indeed, following reports that the ex-mayor is to re-launch his political party, I have today written to the Electoral Commission asking them to undertake a forensic review of any application to register as a party.

The Tower Hamlets election court case only took place thanks to the brave decision of the petitioners to put their personal finances on the line. The election petitions process, which Sir Eric noted has remained largely unchanged since 1868, is also a target for our reform package.

We are minded, where possible, to bring forward changes to legislation in this area to make sure that the barriers to bringing petitions are not unduly high, and that everyone who has a legitimate interest in using the system is able to access it. We want to make sure that the democratic process is working for everyone.

In the coming weeks and months, we will outline precisely the nature and the timing of the overall programme of work we will look to bring forward. I recognise that this reform package presents a challenge, particularly in the context of the run up to May 2020. There is a clear need to avoid any adverse impacts on legitimate electors. I am eager to be inclusive in making plans for its implementation.

I think it is also important that, when discussing plans with its key electoral partners, the Government is open and honest about what can be

achieved, and it is clear that we won't have legislative time to introduce a discrete electoral bill.

In the response, we have clearly outlined where, in order to bring forward change to address recommendations that need primary legislation, we will be exploring opportunities to identify an appropriate legislative vehicle. In the response, we also outline where some of Sir Eric's recommendations can be brought forward through reinforced or stronger guidance.

I am eager to work closely with the commission on this, and have noted the helpful comments it has made on the guidance it provides in its response to our report. I am aware that the commission has already started work on this area ahead of polls in May 2017.

As I have already noted, we are all expecting 2020 to be a uniquely busy electoral year. But ahead of 2020, we have polls in the intervening years, including local elections in areas where we have previously experienced fraudulent activity and high levels of allegations.

We need to address those issues as a matter of importance. Working collaboratively with the people round this table to take forward Sir Eric's recommendations and to identify solutions will be essential so that we can ensure we have a clear and secure democracy.