Runnymede response to the Cabinet Office White Paper *Individual Electoral Registration*

We are writing this letter as our response to the Cabinet Office White Paper, *Individual Electoral Registration*.[1] We are concerned that the consequences of the proposed changes will disproportionately and unfairly disadvantage Black and minority ethnic (BME) people. We are surprised with the framing of the proposals, not least as they appear to weaken people's right to vote. This is because BME people are already less likely to be on the register, because not being registered means that people do not have the means to vote, and because of the wider effects this will have on civic participation, including the redrawing of constituency boundaries.

This response focuses on the consequences of the proposed changes for BME voters. While we appreciate and agree with some of the concerns the changes to registration generally respond to, we will not respond to every aspect of the White Paper (hereby referred to as 'the document'). However, it is perhaps worth noting that we generally agree with the response from the Electoral Commission.[2]

We do not object to the idea of individual registration, but to the government's refusal to take seriously the importance of providing people with the means to vote. Existing requirements on Local Authorities and on individuals must therefore not be weakened, and we are also calling for the government to monitor the racial impact of their proposed changes, namely the change in the proportion of registered (i.e. eligible) voters by ethnic group.

Without the means of voting, democracy is incomplete. If a foreign government were to reduce the number of registered voters in the numbers currently estimated by the Electoral Commission (perhaps 10 million, or nearly 25% of citizens), and this disproportionately affected particular ethnic groups (groups that also are much less likely to vote for the government), we would rightly object to the proposed changes as undermining democratic legitimacy.

What, then, is the argument for the government's view that it doesn't have an obligation to ensure that people have the means to vote, and that it is unproblematic to reduce the numbers of valid electors by 10 million? Unfortunately, the only argument we apprehend is the following non-sequitur from the White Paper:

> *It is not compulsory to vote in our elections and nor will we compel people, so it is sensible that registering to vote should also be a choice for the individual concerned.*
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> (p.10, para 16).

This statement boils down to the claim that because voting is not compulsory, people can choose whether or not to have the *means* to vote. Or, that government does not have the responsibility to provide people with the means to vote. This kind of argument is akin to the following examples:

[1] http://www.cabinetoffice.gov.uk/sites/default/files/resources/individual-electoral-reform.pdf
[2] http://www.electoralcommission.org.uk/__data/assets/pdf_file/0003/141294/Electoral-Commission-IER-White-Paper-Response-2011-10-14-FINAL.pdf

- Because people are not required to go to university, government does not have to provide people with the means to go to university.
- Because people are not required to bring a case to court, government does not have to provide people with the means to bring a case to court.
- Because people are not required to vote, government does not have to provide people with the means to vote.

It is hopefully clear enough why each of these statements is a non-sequitur. If this is not obvious, let us try another argument. Rights to education, a fair trial, and indeed the vote, require more than simply a formal statement in an Act of Parliament that all citizens have this right. It is depressing that a democratic government would have the courage or dishonesty to use the value of 'choice' to justify the substantive weakening of people's capacity to vote, and more depressing still that it is our government that is doing so, even as we rightly try to promote democratic values overseas.

As well as believing that the government's case is built on flawed logic, we are also distressed that the government fully knows that these changes will have a disproportionate effect on particular groups. What, precisely, is the justification for this? In the absence of an argument, we are left to impute motives to this government, based on the proportion of various groups that are likely to be affected.

To be charitable, the above non-sequitur does suggest that people should be able to *choose* to have the means to vote. However, there is no argument or evidence for the proposition that people who will *not* be on the new registration will have *chosen* to lose the capacity to vote: this is simply an unargued premise. But whatever the relation between the White Paper's argument and the empirical reality of human behaviour, presumably the government thinks that people who have so 'chosen' have made a morally important decision, one that trumps the responsibility of government to provide people with the means to vote. Again, governments in the past and present have pressed these arguments, but they have rightly earned the derision of the international community.

The White Paper's narrative arc becomes even more curious when we note the groups that are likely to be badly affected. Two of the most prominent groups are young people and ethnic minorities (as the government recognises in its impact assessment). Now if the government believes that disenfranchising these people disproportionately is legitimate, they must either think: these people are so disengaged from the political process that they are 'choosing' not to vote; or these people are expressing a political statement by non-registering that should be respected. We assume the government does not think young people and ethnic minorities are too lazy or stupid to bother to register and so do not deserve the vote.

But once we discount the ugly claims that some people are lazy or stupid, we are left with the reality that people 'choosing' not to register are not counted as electors. This is an odd way to affirm the moral value of choice, as the consequences of making this apparently political choice are a person's removal from the register, and non-status as an elector. It's hard to see how lacking the means to vote is a good way of affirming a valuable political choice.

These problems are compounded as the White Paper's consequences are taking place in a context where constituencies will be redrawn on the basis of a register in which those who do not 'choose' to register are discounted as electors. If the choice not to engage is to have any value, it must actually count against that person's democratic representative. Otherwise the 'choice' simply harms the non-elector citizen, and has no effect whatsoever on his or her representative.

We are surprised that the government is either sanguine or unaware of these consequences. Even if the government believes that citizens can choose to have the means to vote – which we think incredulously antidemocratic – they are further claiming that such a choice allows the government to ignore that choice

completely when totting up how many electors live in an area (rather than how many citizens). This is perplexing as it involves the government deciding that people whose 'choice' is 'none of the above' or 'reopen the nominations' does not need to count as a citizen or elector at all. These 'choosers' are not *voters* or *electors* at all, suggesting that government thinks they are some different kind of citizen. Either their 'choice' not to register is a valid civic statement (in which case surely the should count as electors?), or (as we believe) their choice is invalid, as people can no more strip themselves of the status of citizenship than they can choose to disenfranchise themselves.

The consequences are in fact worse still. This is because groups who are likely to 'choose' not to register are clustered in particular areas. Again, as the government knows, BME people are more likely to live in London and other urban areas. What this means is that if I live in a constituency where more people are not counted as electors because of their 'choice' not to register, then *my* rights to vote are diluted too. Why? Because a disproportionate number of my constituency's residents and electors are not included on the register, and so my MP will represent more citizens than MPs in other areas. This will make my constituency much *larger* in terms of valid voters than those well-off constituencies that have higher registration rates. It is not a party political point to note that these are the voters and areas which are least likely to vote for the coalition government parties (according to the British Election Survey, 69% of BME voters supported Labour, with 15% voting for the Conservative Party and 15% voting for the Liberal Democrats). Rather, it puts even more onus on government to provide a positive argument for these changes, which we again are yet to read (and it certainly isn't clear in the White Paper).

Surely this government thinks that 85% of people being registered is worse than 90% being registered. And that 65% is worse than 85%. And that ethnic minorities having lower rates still is an indication that something is amiss in our democratic institutions. Again, there is simply *no* argument against the relatively uncontroversial view that democracy requires people to have equal capacity to exercise their vote.

We recommend the following:

1. Keep the requirement that citizens must co-operate with electoral registration officers (EROs).
2. Provide resources to Local Authorities to keep the register as complete as possible, and encourage them to share good practice on what actually works in registering people.
3. If the proposals do go ahead as set out, the government should run a series of pilot schemes with groups most likely to be affected by what is a significant change, before being rolled out nationally. These pilot groups should include BME people and young people.
4. If fully implemented, the government must monitor the effects of the changes by ethnic group. We understand equality monitoring is generally viewed as red tape rather than a requirement of transparent and just government, but we are sure the government will agree that voting rights are sufficiently important for democracy as to legitimate monitoring the effects of change.
5. The government should separate the processes for the implementation of IER and the boundary review in 2015. This could be achieved by either delaying the introduction of IER or by deferring the boundary review in 2015 to after the following election.

It is not usually considered a sign of a healthy democracy if some ethnic groups are disproportionately unable to vote, and it is further a challenge to government's legitimacy if it believes it has no obligation to ensure that everyone can equally exercise the right to vote. We are perplexed why the government is sanguine about the White Paper's obvious consequences, and whether it appreciates that it would weaken its democratic legitimacy at a time when political participation (i.e. party membership, voter turnout) is already at historic lows. We hope that the government will reconsider these changes and so promote rather than further hinder civic participation in the UK.

Yours sincerely,

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